

OSPG Standards of Good Regulation

PROPOSED VERSION 2.0 – DRAFT FOR PUBLIC COMMENT

November 2022

Issued by:

Paul Craven, Superintendent



OSPG

Office of the Superintendent
of Professional Governance

DRAFT FOR PUBLIC COMMENT



Version Control History

Version #	Date (YYY-MM-DD)	Modification	Approved by
1.0	2021-02-05	Initial version	Paul Craven, Superintendent
1.1	2021-05-04	Formatting fixes made	Paul Craven, Superintendent
2.0	TBD	Changes made following 2022 familiarization reviews to improve clarity, add details and reorganize Standards and performance indicators.	DRAFT FOR PUBLIC COMMENT – NOT APPROVED

DRAFT

DRAFT FOR PUBLIC COMMENT

OSPG Standards of Good Regulation

Background

OSPG has developed a set of Standards of Good Regulation to be used for the following purposes:

- To inform OSPG policy work: all policy is developed in alignment with the standards and so it will support good performance related to the regulatory body's statutory functions.
- To guide the work of regulatory bodies and to inform voluntary self-assessments by regulatory bodies: may assist regulatory bodies with their reporting and with decision making for continuous improvement.
- As criteria for reviews or audits of regulatory body performance by OSPG: provides a check on how well regulatory bodies are carrying out their statutory functions to protect the public interest, and a framework for the development of key performance indicators to measure their performance.

OSPG developed the Standards of Good Regulation considering the experience and best practices of the Professional Standards Authority in the United Kingdom.

The Standards of Good Regulation describe expected outcomes for:

- Transparency and Accountability (~~56~~ standards)
- Setting Standards of Competence and Conduct (2 ~~standards~~)
- Education and Continuing Competence (2 standards)
- Registration (~~43~~ standards)
- Audit and Practice Reviews (1 standard)
- Complaints and Discipline (~~56~~ standards)

~~Draft performance indicators for each standard are suggested and will be refined through consultation and experience as OSPG begins to carry out performance reviews.~~

Please refer to ~~OSPG Guidance:~~ OSPG Guidance for:

- the Overview of OSPG Audits, Investigations and Performance Reviews ~~for more information about this process.~~
- a variety of guidance material that informs the Standards of Good Regulation

Any guidance that is relevant to a particular standard or performance indicator is linked directly below.

OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
TRANSPARENCY AND ACCOUNTABILITY		
1. Regulatory body provides accurate, accessible information about requirements for registration, standards, guidance, processes and decisions	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> • Having information on the website about requirements for: <ul style="list-style-type: none"> ○ Registration ○ Meeting standards ○ Following guidance ○ Processes and factors considered in decision making ○ What information is <u>and is not</u> shared and how <u>it is shared</u> • Having a website that is up to date, easy to navigate, and understandable to the public and registrants. • Responding to queries about registration, standards, guidance processes, and decisions in a timely way, that addresses the unique circumstances of the question. • Reviewing the website and, seeking <u>and actioning</u> feedback from various parties to inform continuous improvement: <u>of information content and accessibility.</u> • Implementing continuous improvements to website based on feedback. • Having a plan to inform registrants and interested parties about updates and following that plan (channels may include email, Facebook, twitter, etc.). 	<p>Adding clarity and eliminating redundancies</p>
2. Regulatory body is clear about its duty and responsibilities, applies policies appropriately across all functions and avoids inappropriate advocacy	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> • Aligning strategic and annual planning, policy and program documents with the PGA. • Explaining the regulatory body's duty and responsibilities on their public website. • Having a policy about advocacy which clearly articulates its adherence to the PGA. 	<p>Adding clarity and linking to OSPG guidance on advocacy</p> <p>Additional PI to assist OSPG with the assessment of how regulatory bodies prevent and address conflicts of interest that may arise among</p>

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
	<ul style="list-style-type: none">• <u>Having a policy outlining limitations on advocacy activities, consistent with the PGA, and demonstrating adherence to this policy. See OSPG Guidance.</u>• Regularly reviewing strategic planning, policy and program documents, activities, publications, and website for consistency with advocacy policy.• <u>Having policies and processes in place to ensure staff and council/committee members are not placed in a conflict of interest with any party when carrying out their roles and responsibilities.</u>	council or committee members and staff
3. Regulatory body applies a diversity and equity lens to processes and policies that impact its registrants and the people they serve.	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none">• Having <u>an equity</u>, diversity, equity and inclusion policy.• Having an action plan for building and evaluating both internal and external policies and programs to align with the <u>equity</u>, diversity, equity and inclusion policy.• <u>Identifying and requiring equity, diversity, and inclusion and equity training for staff and council and committee members to take.</u>• <u>Reflecting the following aspects of equity, diversity and inclusion in the above-noted policy:</u><ul style="list-style-type: none">○ <u>The role of regulatory bodies as an employers, workplaces, and decision makers;</u>○ <u>the expectations set and the supports provided to registrants to apply equity, diversity and inclusion principles in their practice;</u>○ <u>the rules for entry to the profession, aiming to reduce barriers to individuals from diverse communities becoming registrants;</u>•○ <u>the administration of the profession and its interactions with the public, including the complaints and discipline process.</u>	Adding PI to assist OSPG with the assessment of the four facets of the equity, diversity and inclusion lens that regulatory bodies are expected to consider and act upon

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
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)	Regulatory body demonstrates the standard by: <ul style="list-style-type: none">• Having a documented approach to Indigenous reconciliation <u>that reflects current best practices for organizations in meeting the UN Declaration</u> which ensures its operation/administration supports <u>Indigenous</u> reconciliation• Identifying and requiring training for staff, Council and committee members on Indigenous reconciliation• Identifying Indigenous behavioural competencies required for each role within the organization <u>and recruiting for these competencies in vacant roles.</u>• Requiring development of Indigenous behavioural competencies in existing roles and recruiting for these competencies in vacant roles• Conducting regular and scheduled regular reviews of best practices for organizations in meeting the UN Declaration and updating their Indigenous reconciliation approach and policies/activities to reflect best practice.	Adding clarity and eliminating redundancies
5. Regulatory body examines and reports on its own performance, incorporates feedback, lessons learned and best practices across all functions	Regulatory body demonstrates the standard by: <ul style="list-style-type: none">• Completing an annual self-evaluation against the Performance Indicators and transparently report on results.• Reviewing any feedback on their performance and considering lessons learned internally, from OSPG, or from other regulators and applying these to improve their performance.	
6. Regulatory body assesses and mitigates risks to the environment or to the	Regulatory body demonstrates the standard by: <ul style="list-style-type: none">• Attending and actively participating in advisory committee meetings and its activities.	Moving two PIs to Compliance and Discipline section as they relate to the governance of complaints and the conduct of investigations

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
health and safety of the public in respect of its registrants	<ul style="list-style-type: none"> Managing overlap of the <u>risk</u> assessment and mitigation role with other agencies or bodies through MOUs or other agreements. Having clear policies and guidance in place regarding the registrant's duty to report, and the process for receiving and responding to reports. Having a documented process for communication (referrals) and action (investigation coordination or deference) with provincial counterparts as required. Having guidance and policies in place to mitigate <u>Superintending the profession using a risk-based approach that documents how operations are prioritized based on potential risks associated with the</u> practice of the profession. <u>This documentation may include a risk matrix.</u> 	Adding explicit requirements for risk-based governance of the profession to ensure that regulatory bodies apply a systematic risk-based approach to their decision making. This PI is meant to apply broadly, not just in respect of this SGR.
SETTING STANDARDS OF COMPETENCE AND CONDUCT		
7. Regulatory body maintains up-to-date standards of professional and ethical conduct, standards of competence, and standards of practice	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having standards of competence, conduct, practice and Code of Ethics easily accessible to registrants and the public. Outlining and following targeted review dates for standards <u>and/or</u> initiating reviews when issues are brought to the regulatory body's attention, <u>and updating standards as needed to reflect best practices.</u> Evaluating and updating standards as needed to reflect best practices and indicating the version date. <u>Applying version control to show when standards were last revised.</u> 	Adding clarity and cleaning up wording
8. Regulatory body provides up-to-date guidance to help registrants apply the standards; the	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Providing guidance for all standards <u>that is easily and making it</u> accessible for registrants and the public. Providing a program to assist <u>registrants</u> with questions on the application of the standards, <u>risks, or prioritization.</u> 	Adding clarity and cleaning up wording

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
guidance addresses emerging areas of risk and appropriately prioritizes	<ul style="list-style-type: none"> Outlining and following targeted<u>planned</u> review/<u>evaluation</u> dates for guidance and initiating reviews when to <u>ensure guidance remains current and that updates are prioritized to address emerging areas of risk.</u> <u>Having a process for receiving and documenting</u> issues are brought to the regulatory body's attention <u>by registrants to inform reviews/evaluations of guidance.</u> Evaluating guidance and prioritizing updates to guidance to address emerging areas of risk. <u>Applying version control to guidance to show when last revised.</u> 	
EDUCATION and CONTINUING COMPETENCE		
9. Regulatory body maintains up-to-date academic standards for academic requirements, trainee programs and continuing education programs (CEP) that prioritize public interest protection within entry to the profession and Indigenous reconciliation reflect ongoing collaboration with educational institutions to meet identified outcomes.	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having clear and accessible guidance on academic <u>entrance standards and competency</u> requirements <u>for registration.</u> Linking competency standards to academic and continuing education learning objectives. Having a scheduled process for evaluating effectiveness of and updating continuing education program requirements. Incorporating learnings from the audit and practice review programs when updating continuing education programs. Maintaining relationships with Indigenous knowledge keepers who may guide continuing education requirements for Indigenous reconciliation. Seeking registrant and Indigenous perspectives on the impact of continuing education for Indigenous reconciliation and using this information to guide future program development. Setting a process and timeline for regular review of credentialing pathways of individuals to the profession, including support for foreign trained applicants. 	<p>Rationale – reorganized into separate standards about entry to the profession vs. continuing education</p> <p>Adding PIs to assist OSPG with the assessment of regulatory bodies' working relationship with educational institutions and the extent to which this collaboration is supporting and informing prospective registrants</p>

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
	<ul style="list-style-type: none"> Working with accreditation boards and educational institutions to review and update academic entrance standards of the profession. Working with educational institutions to enhance student awareness of requirements for professional registration Having a clearly defined process and rationale for accreditation standards and the evaluation of provincial, national and international curriculum programs against the standards. Clearly identifying on the website which educational institutions have accredited programs. 	
10. Regulatory body works collaboratively with educational providers maintains up-to-support registrants in meeting identified outcomes through education-date standards for trainee programs and continuing education programs (CEP) that prioritize public interest protection within the profession and Indigenous reconciliation.	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> SettingLinking competency standards to continuing education learning objectives. Having a scheduled process and timeline for regularevaluating effectiveness of and updating continuing education program requirements. Incorporating learnings from the audit and practice review of credentialing pathways to the professionprograms when updating continuing education programs. Working with accreditation boards and educational institutions to review and update credentialing pathways to the profession. Working with educational institutions to address other issues governing student preparations for entry into professions. Having a clearly defined process and rationale for accreditation and evaluation of international curriculum programs. Maintaining relationships with Indigenous knowledge keepers who may guide continuing education requirements for Indigenous reconciliation. Seeking registrant and Indigenous perspectives on the impact of continuing education for Indigenous reconciliation and using this 	<p>Rationale – reorganized into into separate standards about entry to the profession vs. continuing education</p> <p>Adding clarity</p>

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
	<p><u>information to guide future program development.</u> Working with providers of continuing education to evaluate whether learning outcomes are being met and determining changes or additions to the learning outcomes.</p> <ul style="list-style-type: none"> Having a clear and accessible process for receiving and responding to concerns<u>complaints</u> about delivery of continuing education by providers. 	
REGISTRATION		
11. Regulatory body maintains and makes publicly available an accurate and complete register of professionals	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having a clearly outlined process and authority for collection of the required information for the register. Having a register that: <ul style="list-style-type: none"> is easily accessible on the website, up-to-date, and contains all registrants and required information. Date of update is shown on for every registrant, in accordance with the document.PGA, and reflects all OSPG expectations set out in OSPG guidance. Having quality assurance mechanisms to ensure the accuracy of the register. Having disclaimers where information on the register can not be verified for accuracy. Promoting the purpose of the register and how to access it to users (e.g. registrants, clients, public). 	<p>Adding details to register requirements – setting out OSPG expectation that registers are consistent not just with the PGA but also with OSPG guidance</p>
12. Regulatory body has a registration process that is transparent,	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having a registration process, requirements and forms that are easily accessible and understandable. 	<p>Adding explicit requirement for regulatory bodies to consider potential biases and demonstrate</p>

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
objective, impartial and fair	<ul style="list-style-type: none"> Having guidance for decision-makers (credentials committee, staff and Council) that supports consistency and fairness of decision-making, <u>including being aware of and avoiding biases when assessing applications for registration.</u> Evaluating applications against registration requirements in a consistent, fair and equitable way and documenting rationale for decisions. <p>Having a timely process for review of registration complaints/decisions that is clearly outlined and consistently applied.</p>	action to address potential biases in the application process
13. Regulatory body enforces title and reserved practice based on risk and the response is targeted and proportionate confirms registrants continue to be in good standing 13.	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having transparent policies on how concerns relating to misuse of title, illegal or unregistered practice are dealt with, including a process for understanding the risks of the concerns raised. Having clear and accessible information for registrants and the public about how to raise concerns and what action the regulatory body may take <u>Communicating to registrants the requirements for meeting and demonstrating status of good standing, as well as actions that will be taken if good standing status is not met, and subsequent recourse for registrants.</u> <u>Completing annual checks on registrants during registration renewal to determine if they meet good standing status.</u> <u>Suspending or cancelling the registration of registrants not in good standing.</u> 	Former standard 14 - Correcting terminology – registrants are not removed from the register but their registration may be suspended/ cancelled
AUDIT AND PRACTICE REVIEWS		
14. Regulatory body has a transparent, objective, impartial and fair process for proactively assessing the conduct	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having a documented program and process for audit and practice reviews that is understandable and accessible to registrants and the public. 	Former standard 15 -

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
or competence of its registrants	<ul style="list-style-type: none"> Training auditors and assessors on the audit and practice review process and their role in ensuring objectivity, impartiality and fairness Keeping records of the results and actions following audits and practice on file. Completing a regularly scheduled review of the results of audits and practice reviews to consider trends and make recommendations for changes to conduct and competence standards and the continuing education program. 	
COMPLAINTS AND DISCIPLINE		
15. Regulatory body enforces title and reserved practice based on risk and the response is targeted and proportionate	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having transparent policies on how complaints relating to misuse of title, illegal or unregistered practice are dealt with based on risk. Promoting an understanding of reserved titles and reserved practice to registrants and others who may fall within the regulated practice of the profession. Conducting proactive searches for breach of title. Having a process in place to track the number of complaints received by the regulatory body about breaches of reserved title and reserved practice 	<p>Former Standard 13 – moved to Complaints and Discipline as it is a compliance and enforcement matter.</p> <p>Removing redundancies (one PI) and adding tracking requirement (one PI)</p>
15.16. Anyone can raise a concern about a registrant related to incompetence, professional misconduct, conduct unbecoming a	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having Publishing clear and accessible information about how to make a complaint, types of allowable complaints, and regulatory body's role that is easily understandable and accessible on the regulatory body's website. Having easy to find contact information for queries about the complaint process. 	<p>Adding clarity</p> <p>Adding tracking requirement</p> <p>Moving PI on duty to report from SGR 6 as it relates to the governance of complaints</p>

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
registrant, or a breach of the PGA, its regulations or the regulatory body's bylaws	<ul style="list-style-type: none"> Promoting an understanding of the complaint and discipline process to registrants and the public, <u>influenced by assessment of accessibility barriers and ensuring that barriers to the submission or receipt of complaints are understood and minimized.</u> <u>Having a process in place to track the number and nature of complaints received.</u> <u>Promptly responding to and acting on complaints.</u> <u>Having clear policies and guidance in place regarding the registrant duty to report, and the process for receiving and responding to reports.</u> 	
16.17. Regulatory body's investigation and discipline process is transparent, objective, impartial, fair, and allows for thorough, evidence-based and proportionate responses to complaints.	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> Having <u>and following</u> information on the <u>regulatory body's</u> website which clearly outlines the <u>complaint stages of the investigation</u> and discipline process, <u>stages</u> and <u>requirements</u> <u>the roles and responsibilities</u> of <u>the complainants, respondents,</u> regulatory body <u>during the process</u> <u>staff, and, if applicable, contractors/volunteers.</u> Monitoring <u>timescale</u> <u>timelines</u> for each stage of the <u>complaints investigation</u> and discipline process. Managing cases efficiently and proactively to avoid delay <u>including:</u> <ul style="list-style-type: none"> <u>Having setting expectations for opportunity to respond (content and timelines) at the process, stages, and requirements clearly outlined and followed when addressing complaints beginning of the investigation and discipline process, and</u> <u>If using shared pools of investigation or discipline committee members, using those pools in a manner that prioritizes those additional fairness and impartiality considerations arising from use of a shared pool (e.g.</u> 	<p>Adding clarity and details with respect to what the OSPG considers proactive and efficient management of the discipline process</p> <p>Moving PI on communication from SGR 6 as it relates to the conduct of investigations</p>

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
	<p><u>allocation of resources across contributing regulatory bodies)</u></p> <ul style="list-style-type: none"> • Responding to complaints about the investigation and discipline process. • <u>Having a documented process for communication (referrals) and action (investigation coordination or deference) with provincial counterparts as appropriate (regulatory bodies or government agencies).</u> • <u>Publishing results in accordance with OSPG's guidance on information to be publicly available.</u> 	
<p>17,18. 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.</p>	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none"> • Setting out how it determines which complaints meet its threshold for investigation, and how this threshold is applied consistently, fairly, and in line with policies and procedures. • Ensuring Investigators and members of the <u>complaints investigation</u> and discipline <u>committee committees</u> receive appropriate training and apply administratively fair and best practices in carrying out their roles. • Having a robust and transparent process to appoint investigators and committee members based on identified competencies. • Ensuring full records of investigations and discipline are complete and kept confidential. • Ensuring information required to be published is published on the website accordingly and in a timely manner <u>and having established procedures in place to inform registrants and the public about the publication of such materials.</u> • <u>Having a plan for review of decisions for consistency and fairness and regularly carrying out reviews.</u> 	<p>Adding requirement in relation to published materials, to ensure existing materials are accessible and used as intended</p> <p>Adding PI to assist OSPG with the assessment of the integrity and accuracy of the decision-making process by the discipline committee</p>

DRAFT FOR PUBLIC COMMENT



OSPG STANDARDS	PERFORMANCE INDICATORS	Rationale
	<ul style="list-style-type: none">Ensuring the discipline committee has access to independent legal advice, including relevant case law, and subject matter expertise. This would also apply to the investigation committee in those circumstances where it is acting in an adjudicative role (e.g. considering taking extraordinary action)	
18.19. Regulatory body prioritizes cases to protect the public interest and takes appropriate action.	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none">Having a clear, documented process for risk assessment, prioritization, and management of cases both at receipt and throughout the life of an investigation.appropriatelyAppropriately using authority for extraordinary action to protect the public, consent orders and alternative complaint resolution.Ensuring regular review of the fairness and consistent application of the prioritizing and management of cases.	Correcting typo
19.20. All parties to a complaint are kept updated on the progress of their cases and can participate effectively in the process where appropriate.	<p>Regulatory body demonstrates the standard by:</p> <ul style="list-style-type: none">Providing information on the progress of a complaint regularly to the complainant and to the registrant involved <u>(acknowledges respondent (acknowledging</u> that details related to the case may be confidential).Conducting experience surveys on a regular basis to assess the experience of the parties.Conducting reviews to identify efficiencies and areas where the <u>timeliness of the complaints and discipline process can be improved.</u>	Adding PI to assist OSPG with the assessment of a regulatory body's commitment to timeliness in the discipline process