



Registration Practices Assessment Report

Registration Practices Assessment Report *College of Chiropractors of Ontario*

2016-2018 Assessment Cycle (Cycle 3)



FAIRNESS COMMISSIONER

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**OFFICE OF THE FAIRNESS COMMISSIONER
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The Office of the Fairness Commissioner is an agency of the Ontario government, established under the Fair Access to Regulated Professions and Compulsory Trades Act, 2006. Its mandate is to help ensure that certain regulated professions have registration practices that are transparent, objective, impartial and fair.

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AVAILABILITY OF REPORT

The Office of the Fairness Commissioner (OFC) provides this report to the regulatory body and posts the full report on its website, www.fairnesscommissioner.ca. In the interests of transparency and accountability, the OFC encourages the regulatory body to provide it to its staff, council members, other interested parties and the public.

Introduction

Assessment is one of the Fairness Commissioner's mandated roles under the [Fair Access to Regulated Professions and Compulsory Trades Act, 2006 \(FARACTA\)](#) and the [Regulated Health Professions Act, 1991 \(RHPA\)](#) – collectively known as fair access legislation.

Assessment Cycle

One of the primary ways the OFC holds regulators accountable for continuous improvement is through the assessment of registration practices using a [three-year assessment cycle](#).

Assessment cycles alternate between **full assessments** and **targeted assessments**:

- Full assessments address all specific and general duties described in the fair-access legislation.
- Targeted assessments focus on the areas where the OFC made recommendations in the previous full assessment.

Focus of this Assessment and Report

The 2016-2018 assessment of the College of Chiropractors of Ontario is a full assessment.

The OFC's detailed report captures the results of the full assessment. However, practices related to provision of information are excluded for regulators who have previously been assessed. For those regulators, these practices have been removed from the report.¹ The assessment summary provides the following key information from the detailed report:

- duties that were assessed
- an overview of assessment outcomes for specific duty practices
- an overview of comments related to the general duty
- commendable practices
- recommendations

¹ These includes: all practices from Information for Applicants, practice 3 from Internal Review and Appeals, practice 1 from Information on Appeal Rights, practice 1 from Documentation of Qualifications, practice 1 from Assessment of Qualifications, practice 2 from Access to Records, and practices 4-11 from Transparency of the Registration Practices Assessment Guide.

Assessment Summary

Specific Duties

Specific duties assessed

The regulator has been assessed in all of the specific duties.

Comments

The regulatory body has demonstrated all of the practices in the following specific-duty areas:

- a) Information for applicants,
- b) Timely Decisions, responses and reasons
- c) Internal Review or Appeal processes,
- d) Information to applicants on Appeal Rights,
- e) Documentation of Qualifications,
- f) Internal Training for College's staff and,
- g) Access to applicants records

General Duty

Assessment method

The regulator selected the following method for the assessment of the general duty:

- a. OFC practice-based assessment (following the practices in the Assessment Guide)
- b. Regulator practice-based self-assessment (following the practices in the Assessment Guide)
- c. Regulator systems-based self-assessment (in which it explains systemically and holistically how it meets the general duty)

Principles assessed

The regulator has been assessed on all of the general duty principles: transparency, objectivity, impartiality and fairness.

Commendable Practices

A *commendable practice* is a program, activity or strategy that goes beyond the minimum standards set by the OFC assessment guides, considering the regulatory body's resources and profession-specific context. Commendable practices may or may not have potential for transferability to another regulatory body.

The regulatory body is demonstrating commendable practices in the following areas: No Commendable Practices were identified during this assessment period.

Specific Duty

Information for Applicants

- 1.
- 2.

Internal Review and Appeal

- 1.
- 2.

Information on Appeal Rights

- 1.
- 2.

Documentation of Qualifications

- 1.
- 2.

Assessment of Qualifications

- 1.
- 2.

Training

- 1.
- 2.

Access to Records

- 1.
- 2.

General Duty

Transparency

- 1.
- 2.

Objectivity

- 1.
- 2.

Impartiality

- 1.
- 2.

Fairness

- 1.
- 2.

Opportunities for Improvement

The regulator can improve in the following areas: No areas in which the OFC identified as Opportunities for Improvement.

Specific Duty

Information for Applicants

- 1.
- 2.

Internal Review and Appeal

- 1.
- 2.

Information on Appeal Rights

- 1.

2.

Documentation of Qualifications

1.

2.

Assessment of Qualifications

1.

2.

Training

1.

2.

Access to Records

1.

2.

General Duty

Transparency

1.

2.

Objectivity

1.

2.

Impartiality

1.

2.

Fairness

1.

2.

RECOMMENDATIONS

* Recommendations marked with an asterisk were implemented by the regulatory body before the OFC completed its assessment.

† Recommendations marked with a dagger symbol have been carried forward all or in part from the previous assessment. However, they are not accounted for as a new recommendation.

Assessment History

In the previous assessment, the OFC identified five recommendations for the regulator.

They have all been implemented.

Detailed Report²

Specific Duty

1. Specific Duty – Information for Applicants

RHPA, Schedule 2, s. 22.3

1. The regulator describes requirements for registration on its website. [Transparency]

Assessment Outcome	Demonstrated
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2. The regulator describes all the steps in the registration process on its website, including any processes for assessing qualifications. [Transparency]

Assessment Outcome	Demonstrated
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3. The regulator provides information on its website about how long the registration process usually takes, including the time required for assessing qualifications. [Transparency]

Assessment Outcome	Demonstrated
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4. The regulator publishes a fee scale on its website, showing all registration fees that are under the regulators control, including the fees required for assessing qualifications. [Transparency]

Assessment Outcome	Demonstrated
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5. The regulator ensures that the information required by practices 1-4 in this section is clear, accurate, complete and easy to find. [Transparency]

² Please note: Suggestions for continuous improvement appear only in the detailed report. Suggestions for improvement are not intended to be recommendations for action to demonstrate a practice, but are made solely to provide suggestions for areas that a regulatory body may consider improving in the future.

Assessment Outcome	Demonstrated
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2. Specific Duty — Timely Decisions, Responses and Reasons.

RHPA, Schedule 2, s.20 (1)

1. If a regulator rejects an application, it gives written reasons to the applicant. [Fairness, Transparency]

Assessment Outcome	Demonstrated
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2. The regulator makes registration decisions, and gives written decisions and reasons to applicants, without undue delay*. [Fairness]

Assessment Outcome	Demonstrated
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3. The regulator responds to applicants' inquiries or requests without undue delay*. [Fairness]

Assessment Outcome	Demonstrated
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4. The regulator provides internal reviews of decisions, or appeals from decisions, without undue delay*. [Fairness]

Assessment Outcome	Demonstrated
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5. The regulator makes decisions about internal reviews and appeals, and gives written decisions and reasons to applicants, without undue delay*. [Fairness]

Assessment Outcome	Demonstrated
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3. Specific Duty — Internal Review or Appeal

RHPA, Schedule 2, s. 15, s. 17, s. 19, s. 22.3

1. The regulator provides applicants with an internal review of, or appeal from, registration decisions. [Fairness]

Assessment Outcome	Demonstrated
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2. The regulator implements rules and procedures that prevent anyone who acted as a decision-maker in a registration decision from acting as a decision-maker in an internal review or appeal of that same registration decision. [Impartiality]

Assessment Outcome	Demonstrated
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3. The regulator provides information on its website that informs applicants about opportunities for an internal review or appeal. [Transparency]

Assessment Outcome	Demonstrated
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4. The regulator provides information on its website about any limits or conditions on an internal review or appeal*. [Transparency]

Assessment Outcome	Demonstrated
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4. Specific Duty — Information on Appeal Rights

RHPA, Schedule 2, s. 20, s. 21, s. 22

1. On its website, the regulator informs applicants of their right to request further review of, or appeal from, the review or appeal decision. [Transparency]

Assessment Outcome	Demonstrated
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5. Specific Duty - Documentation of Qualifications

RHPA, Schedule 2, s. 22.4(1)

1. The regulator provides information on its website about the documents that must accompany an application to demonstrate qualifications. [Transparency]

Assessment Outcome	Demonstrated
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6. Specific Duty — Assessment of Qualifications

RHPA, Schedule 2, s. 22.4(2)

1. On its website, the regulator informs applicants about the process, criteria, and policies for the assessment of qualifications. [Transparency]

Assessment Outcome	Demonstrated
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2. The regulator communicates the results of qualifications assessment to each applicant in writing. [Transparency]

Assessment Outcome	Demonstrated
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3. The regulator gives its assessors access to assessment criteria, policies and procedures. [Transparency]

Assessment Outcome	Demonstrated
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4. The regulator shows that its tests and exams measure what they intend to measure*. [Objectivity]

Assessment Outcome	Demonstrated
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5. The regulator states its assessment criteria in ways that enable assessors to interpret them consistently. [Objectivity]

Assessment Outcome	Demonstrated
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6. The regulator ensures that the information about educational programs that is used to develop or update assessment criteria is kept current and accurate. [Objectivity]

Assessment Outcome	Demonstrated
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7. The regulator links its assessment methods to the requirements/standards for entry to the profession or trade. [Objectivity]

Assessment Outcome	Demonstrated
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8. The regulator requires that assessors consistently apply qualifications assessment criteria, policies and procedures to all applicants. [Objectivity]

Assessment Outcome	Demonstrated
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9. The regulator uses only qualified assessors to conduct the assessments. [Objectivity]

Assessment Outcome	Demonstrated
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10. The regulator monitors the consistency and accuracy of decisions, and takes corrective actions as necessary, to safeguard the objectivity of its assessment decisions. [Objectivity]

Assessment Outcome	Demonstrated
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11. The regulator prohibits discrimination and informs assessors about the need to avoid bias in the assessment. [Impartiality]

Assessment Outcome	Demonstrated
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12. The regulator implements procedures to safeguard the impartiality of its assessment methods and procedures. [Impartiality]

Assessment Outcome	Demonstrated
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13. The regulator gives applicants an opportunity to appeal the results of a qualifications assessment or to have the results reviewed. [Fairness]

Assessment Outcome	Demonstrated
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14. The regulator assesses qualifications, communicates results to applicants, and provides written reasons for unsuccessful applicants, without undue delay. [Fairness]

Assessment Outcome	Demonstrated
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15. Regulators that rely on third-party assessments establish policies and procedures to hold third-party assessors accountable for ensuring that assessments are transparent, objective, impartial and fair. [Transparency, Objectivity, Impartiality, Fairness]

Assessment Outcome	Not Applicable
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7. Specific Duty — Training

RHPA, Schedule 2, s. 22.4(3)

1. The regulator provides training for staff and volunteers who assess qualifications or make registration, internal review or appeal decisions. [Objectivity, Impartiality, Fairness]

Assessment Outcome	Demonstrated
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2. The regulator addresses topics of objectivity and impartiality in the training it provides to assessors and decision-makers. [Objectivity, Impartiality]

Assessment Outcome	Demonstrated
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3. The regulator identifies when new and incumbent staff and volunteers require training and provides the training accordingly. [Objectivity, Impartiality, Fairness]

Assessment Outcome	Demonstrated
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8. Specific Duty — Access to Records

RHPA, Schedule 2, s. 16

1. The regulator provides each applicant with access to his or her application records.

Assessment Outcome	Demonstrated
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2. If there is a fee for making records available, the regulator gives applicants an estimate of this fee.
[Transparency]

Assessment Outcome	Not Applicable
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3. If there is a fee for making records available, the regulator reviews the fee to ensure that it does not exceed the amount of reasonable cost recovery. [Fairness]

Assessment Outcome	Not Applicable
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General Duty

RHPA, Schedule 2, S.22.2

Transparency

- Maintaining openness
- Providing access to, monitoring, and updating registration information
- Communicating clearly with applicants about their status

Assessment Outcome	<p>Legislation: RHPA, Schedule 2, S.22.2 The College has a duty to provide registration practices that are transparent, objective, impartial and fair.</p> <p>Transparency</p> <p>A process is transparent if it is conducted in such a way that it is easy to see what actions are being taken to complete the process, why these actions are taken, and what results from these actions. In the regulatory context, transparency of the</p>
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	<p>registration process encompasses the following:</p> <ul style="list-style-type: none"> • Openness: having measures and structures in place that make it easy to see how the registration process operates • Access: making registration information easily available • Clarity: ensuring that information used to communicate about registration is complete, accurate and easy to understand <p>The College demonstrates openness, accessibility, and clarity in the registration practices by having measures and procedures in place that make it easy to see how the registration process operates. Registration information is readily available on the college website in a complete, accurate and easy to understand way.</p> <p>The regulator enables interested stakeholders, including the public and applicants, to understand how the registration process operates. The regulator publishes information about the structure of accountability for registration functions. The regulator publishes information about the structure of accountability for registration functions. The College has published on its website all the registration practices by reviewing registration criteria, policies and procedures on a regular basis to ensure that they accurately reflect current registration practices.</p> <p>The OFC supports the initiatives of the College and has not identified any recommendations in this area at this time.</p>
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Objectivity

- Designing criteria and procedures that are reliable and valid
- Monitoring and following up threats to validity and reliability

Assessment Outcome	<p>Legislation: RHPA, Schedule 2, S.22.2 The College has a duty to provide registration practices that are transparent, objective, impartial and fair.</p> <p>Objectivity</p> <p>A process or decision is objective if it is based on formal systems, such as criteria, tools, and procedures that have been repeatedly tested during their development, administration and review and have been found to be valid and reliable. In the regulatory context, objectivity of systems encompasses the following:</p> <ul style="list-style-type: none"> • Reliability: ensuring that the criteria, training, tools and procedures deliver consistent decision outcomes regardless of who makes the decision, when the decision is made, and in whatever context the decision is made
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	<ul style="list-style-type: none"> • Validity: ensuring that the criteria, training, tools and procedures measure what they intend to <p>The College has implemented measures to demonstrate objectivity in their registration practices. The College has been able to demonstrate that the registration conditions and requirements are defined in policies and procedures. These requirements are objective and have measureable criteria.</p> <p>The College has demonstrated that its Registration Committee members have access to the information and tools needed to make registration decisions.</p> <p>The OFC supports these initiatives and has not identified any recommendations in this area at this time.</p>
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Impartiality

- Identifying bias, monitoring, and taking corrective action
- Implementing strategies

Assessment Outcome	<p>Legislation: RHPA, Schedule 2, S.22.2 The College has a duty to provide registration practices that are transparent, objective, impartial and fair.</p> <p>Impartiality</p> <p>A process or decision is impartial if the position from which it is undertaken is neutral. Neutrality occurs when actions or behaviours that may result in subjective assessments or decisions are mitigated. Impartiality may be achieved by ensuring that all sources of bias are identified and that steps are taken to address those biases. In the regulatory context, impartiality encompasses the following:</p> <ul style="list-style-type: none"> • Identification: having systems to identify potential sources of bias in the assessment or decision-making process (for example, sources of conflict of interest, preconceived notions, and lack of understanding of issues related to diversity). • Strategies: having systems to address bias and enable neutrality during the assessment and decision making process (for example, training policies that address conflict of interest, procedures to follow if bias is identified, and using group deliberation and consensus strategies to come to decisions). <p>The College has implemented measures to achieve impartiality in its registration decisions. The College has taken steps to help ensure its decision-makers identify sources of potential bias and strategies to avoid and mitigate situations of bias from its registration process. The College is able to do this based on the number of applicants and the number of staff involved in the process.</p>
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Fairness

- Ensuring substantive fairness
- Ensuring procedural fairness
- Ensuring relational fairness

Assessment Outcome	<p>Legislation: RHPA, Schedule 2, S.22.2 The College has a duty to provide registration practices that are transparent, objective, impartial and fair.</p> <p>Fairness</p> <p>A process or decision is considered fair in the regulatory context when all of the following are demonstrated:</p> <p>Substantive fairness: ensuring fairness of the decision itself. The decision itself must be fair and to be fair it must meet pre-determined and defensible criteria. The decision must be reasonable and the reasoning behind the decision must be understandable to the people affected.</p> <p>Procedural fairness: ensuring fairness of the decision-making process. There is a structure in place to ensure that fairness is embedded in the steps to be followed before, during and after decisions are made. The structure ensures that the process is timely and that individuals have equal opportunity to participate in the registration process and demonstrate their ability to practice.</p> <p>Relational fairness: ensuring people are treated fairly during the decision making process and by considering and addressing their perception about the process and decision.</p>
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Background

Assessment Methods

Assessments are based on the [Registration Practices Assessment Guide: For Regulated Professions and Health Regulatory Colleges](#). The guide presents registration practices relating to the specific duties and general duty in the fair access legislation.

A regulatory body's practices can be measured against the fair access legislation's specific duties in a straightforward way. However, the general duty is broad, and the principles it mentions (transparency, objectivity, impartiality and fairness) are not defined in the legislation.

As a result, the specific-duty and general-duty obligations are assessed differently (see the [Strategy for Continuous Improvement](#)).

Specific Duties

The OFC can clearly determine whether a regulatory body demonstrates the specific-duty practices in the assessment guide. Therefore, for each specific-duty practice, the OFC provides one of the following assessment outcomes:

- Demonstrated – all required elements of the practice are present or addressed
- Partially Demonstrated – some but not all required elements are present or addressed
- Not Demonstrated – none of the required elements are present or addressed
- Not Applicable – this practice does not apply to the (*acronym of regulatory body*)'s registration practices

General Duty

Because there are many ways that a regulatory body can demonstrate that its practices, overall, are meeting the principles of the general duty, the OFC makes assessment *comments* for the general duty, rather than identifying assessment outcomes. For the same reason, assessment comments are made by principle, rather than by practice.

For information about the OFC's interpretations of the general-duty principles and the practices that the OFC uses as a guideline for assessment, see [the OFC's website](#).

Commendable Practices and Recommendations

Where applicable, the OFC identifies commendable practices or recommendations for improvement related to the specific duties and general duty.

Sources

Assessment outcomes, comments, and commendable practices and recommendations are based on information provided by the regulatory body. The OFC relies on the accuracy of this information to produce the assessment report. The OFC compiles registration information from sources such as the following:

- Fair Registration Practices Reports, audits, Entry-to-Practice Review Reports, annual meetings
- the regulatory body's:
 - website
 - policies, procedures, guidelines and related documentation templates for communication with applicants
 - regulations and bylaws
 - internal auditing and reporting mechanisms
 - third-party agreements and related monitoring or reporting documentation
 - qualifications assessments and related documentation
- targeted questions/requests for evidence that the regulatory body demonstrates a practice or principle

For more information about the assessment cycle, assessment process, and legislative obligations, see the [Strategy for Continuous Improvement](#).



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