

Review Process



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Introduction

The Fair Registration Practices Act (FRPA or the Act) Review Office was established in 2011 and is committed to ensuring that applicants to regulated occupations have access to registration practices that are transparent, objective, impartial, and procedurally fair. The FRPA review process was designed to carry out the obligations of the legislation. It fosters a culture of continuous improvement, while ensuring that the regulatory bodies adhere to their own standards with the objective of public protection and safety. The outcome of the FRPA review process will be development of individual regulatory body action plans to set goals for improving the registration practices. The FRPA Review Office works collaboratively with the regulatory bodies to fulfill the requirements of the Act.

How the FRPA Review Process Works

FRPA aims to strengthen the workforce in Nova Scotia by ensuring fair and transparent registration processes so that people can work to their full potential in their fields. This Guide outlines the FRPA review process including steps, timelines, and expectations of the regulatory body and Review Officer, compliance guidelines, and supports for regulatory bodies.

What the Review Office wants to achieve

The objective is to put in place a process that ensures compliance with the Act. The Act requires that regulatory bodies carry out registration practices that are transparent, objective, impartial, and procedurally fair. The Review Officer is responsible for administering the legislation through the following tasks

- assess the registration practices of all regulatory bodies
 - provide information and advice to help them comply with the Act
 - set up guidelines and help them understand what to report and how to report it
 - make recommendations and work directly with the regulatory bodies as they make changes
- prepare an annual report for the Minister of Labour and Advanced Education (LAE) on how the Act has been implemented and how well the Act is working. The report is designed to track the effectiveness of the Act and to make sure that the registration practices are transparent, objective, impartial, and fair

What the Review Office will NOT be involved in

As clearly stated in Sections 14(4) and 14(5) of the Act, the Review Officer can not

- request or accept personal information
- become involved in a registration decision on behalf of an applicant
- become involved in an internal review on behalf of an applicant

Roles and Responsibilities of the Regulatory Body

FRPA states that regulatory bodies must follow a registration process that is procedurally fair, transparent, objective, and impartial. Regulators must make it clear to an applicant, who wishes to register with a regulated occupation, what to do and what to expect by providing information about

- the registration requirements
- the criteria that will be used to evaluate the application
- the length of time the registration process is likely to take
- any support that is available during the registration process
- fees paid to the regulatory body for registration
- the documentation the regulatory body will accept
- how the internal review process works for an applicant who is not accepted and wants to appeal

Here are some of the responsibilities of the regulatory body as laid out in the Act

- respond to inquiries from applicants in a reasonable time
- provide confirmation in writing (mail or email) within a reasonable time about whether an applicant's registration is granted or not granted

When registration is not granted

- provide the full decision, in writing, and include the reasons
- provide information about any steps an applicant can take or programs that may help them register in the future, where practical
- provide information about the regulatory body's internal review process and how to get further information
- have appeals heard by people who have had appropriate training and who were not part of the original decisions

Roles and Responsibilities of the Review Officer

The Act allows the Review Officer to

- provide information and advice to regulatory bodies about the Act and the regulations
- assess the registration practices of the regulatory bodies and agencies that are included in Schedules A and B of the Act
- set guidelines for reports from the regulatory bodies, for both content and format
- receive the reports and assess them
- work with the regulatory bodies to identify the changes that will allow them to comply with the Act
- make recommendations to the regulatory bodies about their legislation and any additions or adjustments needed to meet the requirements of FRPA
- make recommendations to a Minister of the Crown who is responsible for a regulatory body about legislation or regulations that need to be amended or revoked
- issue compliance orders to regulatory bodies

The Act requires the Review Officer to

- provide regulators with information and advice to help them comply with the Act
- set guidelines for reports and help the regulatory bodies prepare them
- review registration practices so that the Review Officer can understand how regulatory bodies are complying with the Act
- make recommendations and work directly with the regulatory bodies
- act as a resource for government departments and other stakeholders
- submit an annual report to the Minister of LAE on how the Act is being implemented and how effective it is
- provide the Minister with any information required related to FRPA

Nova Scotia FRPA Review Process



1 Regulatory Body • Complete FRPA review questionnaire in database

- regulatory body (RB) completes the online questionnaire in preparation for the FRPA review
- at least one month notice will be given after the review schedule is prepared
- review reports must be filed with the Review Officer (RO) every two years

2 Meeting • Kick-off

- RO and RB set clear expectations and agree on a schedule of tentative dates and milestones for the review process

3 Review Officer • Review available facts and respond in database

- RO checks review questions (completed by RB on the online database) and identifies any missing evidence and information
- RO submits response in database
- RO drafts an outline for the FRPA Review Report, including the review findings and actions

4 Regulatory Body • Evidence update in database

- RB gathers any additional information, facts, and evidence as required by the RO

5 Meeting • Field work

- RO and RB go through review findings and edit accordingly (e.g. new evidence)
- RO and RB draft actions based on review findings

6 Review Officer • Compile facts and generate FRPA review report outline

- RO drafts an outline for the FRPA Review Report, including the review findings and actions

7 Regulatory Body • Complete FRPA review report

- RB fills in sections of the report accordingly and sends back to RO to be finalized

8 Review Officer • Finalize FRPA review report

- RO formats report for RB sign off at review closeout meeting

9 Meeting • Review closeout and report sign-off

- RO and RB discuss the review process (lesson learned and opportunities for improvement)
- RB signs FRPA Review Report

10 Review Officer • Publish final report

- RO publishes the report to the www.novascotia.ca/lae/rpllabourmobility website

Web-based Data Collection

The FRPA Review Program consists of two parts

- FRPA Review Questionnaire
- Annual Data Questionnaire

FRPA Review Questionnaire

Review questions were developed based on reporting requirement in Section 16 of the Act as well as questions in the Baseline Survey 2012. The questions were designed to encourage regulatory bodies to reflect on aspects of the registration process that might otherwise be overlooked, for example, the role and responsibility of a third party. These questions are all answered using an online tool. Once submitted, the answers can be exported to a Microsoft Word document. Review questions and responses are included as an appendix in the FRPA Review Report that is published on the web.

The FRPA review questionnaire is a qualitative analysis of registration practices of the regulatory body. The regulatory body must log in to the website to enter information and can save and complete the questions at a later date. The questions serve as a basis-for-review report and action plan. The FRPA review questionnaire will be completed every two years.

Annual Data Questionnaire

Since January of 2013 the regulatory bodies have been collecting quantitative data (specified by the Review Officer) to be reported early in 2014 for the 2013 calendar year (i.e. January 1, 2013 through December 31, 2013). Refer to the *Annual Data Reporting Guide for Regulatory Bodies* to determine and record how these requirements apply to your individual organization. The annual data requirement is a separate submission on the web and will be reported on annually by the regulatory body for each occupation regulated. Over time the collection of this data will allow the FRPA Review Office to observe trends and potentially identify barriers to applicants that can be overcome.

Assessing Registration Practices

Section 16(3) of the Fair Registration Practices Act outlines what regulatory bodies need to focus on as they create registration practices that are objective, transparent, impartial, and procedurally fair. The FRPA review process results in a public report containing information required under the Act. The FRPA Review Office works with the regulatory bodies to develop an action plan to help each body improve registration practices and comply with the Act.

The objective of the assessment is to support continuous improvement with compliance guidelines that offer a benchmark and a transparent measure to that effect. The guidelines may change as requirements and standards change.

A benchmark will be established for each individual regulatory body. Following the FRPA review, the benchmark will continue to inform the action plan and show areas of improvement in registration practices.

The FRPA Review Office stresses the philosophy of “continuous improvement” over compliance. Levels of compliance have been established to measure the adequacy of the response. Level 1 is the lowest level of compliance, level 2 is an average level of compliance, and level 3 is the highest level of compliance. Assessing levels of compliance allows all regulatory bodies to review their registration practices and determine ways to make them better—more transparent, objective, impartial, and procedurally fair. Compliance guidelines are provided with the online tool so that respondents can refer to them when completing the questionnaire.

According to Section 16 of the Act, the registration practices of a regulating body must be reviewed and a public report must be produced including information from sections as listed below. Also identified below is the assessment criteria used to determine the level of compliance.

16(3)(a) requirements for registration

- Level 1 policy describing the registration process does not exist or is not documented; documents made available only upon specific request; general information not broken into steps
- Level 2 policy exists to describes certain aspects of the registration process; available to the applicant; step-by-step process indicates where an applicant needs to supply information
- Level 3 policy exists describing all aspects of the registration practices; available to the applicant; step-by-step process indicates where an applicant needs to supply information; pathway to licensure

16(3)(b) an explanation of how the requirements for registration are to be met

- Level 1 criteria are made available to the applicant verbally but no supplemental documentation provided; general information not broken into steps
- Level 2 criteria are documented and made available to the applicant; step-by-step process indicates where an applicant needs to supply information; limited information about the standards an applicant will be assessed against
- Level 3 criteria are documented and made available to applicants; criteria outline all assessment methods to be used and what competencies are being assessed by each method; applicants know the required standards that they will be assessed to; step-by-step process indicates where an applicant needs to supply information; pathway to licensure

16(3)(c) acceptable alternative information to be provided by an applicant who cannot obtain documentation of qualifications for reasons beyond the applicant's control

- Level 1 on a case-by-case basis
- Level 2 examples documented; process not clearly laid out or documented
- Level 3 examples and process clearly documented

16(3)(d) the fees charged for registration

- Level 1 policy describing the registration process does not exist or is not documented; documents made available only upon specific request
- Level 2 policy exists to describe certain aspects of the registration process
- Level 3 policy exists describing all aspects of the registration practices

16(3)(e) copies of blank application forms for registration

- will be provided during the FRPA review

16(3)(f) the number of completed applications received and the number approved or rejected

- information will be collected as a requirement of the annual data collection

16(3)(g) how the requirements for registration are made available to potential applicants

- Level 1 paper forms and information made available to applicants via regular post; telephone; no website
- Level 2 email forms and information; telephone; forms and information can be downloaded from a website to be emailed/faxed/mailed after completion; website is not up to date, not in plain language, does not have links for international applicants, does not contain all forms and guidelines
- Level 3 automated online form is easily accessible on a website; process in place for applicants to track application status; website content is reviewed for accuracy and updated annually; website is in plain language; website is easy to navigate for international applicants; website contains all forms and guidelines; information on pathway to licensure

16(3)(h) a description of existing accommodation practices for applicants with a physical disability or mental disability

- Level 1 on a case-by-case basis
- Level 2 examples documented; process not clearly laid out or documented
- Level 3 examples and process clearly documented

**16(3)(i) an outline of the role of third-party assessors
how they adhere to general duties of the regulatory body as
outline in the Act**

- Level 1 regulatory body assumes that the certifying organization meets the FRPA standards
- Level 2 regulatory body has received documentation indicating that the certifying organization meets FRPA standards
- Level 3 regulatory body has influence with the certifying organization (e.g. membership) or has an agreement with the certifying organization
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**16(3)(j) a description of the process under which requests for access
to records are considered**

- Level 1 on a case-by-case basis; not documented
- Level 2 process documented
- Level 3 process clearly documented and made available to applicant
-

**16(3)(k) information about any support the regulating body provides
to applicants during the registration process**

- Level 1 no support provided
- Level 2 multiple types of supports exist but not documented
- Level 3 multiple types of supports exist; well defined and accessible
-

**16(3)(l) information about the length of time, commencing from the
date of receipt of a completed application, that the registration
practices for that regulating body usually take**

- information will be collected as a requirement of the annual data collection

16(3)(m) a description of the internal review process available to applicants who are not granted registration, including opportunities provided to an applicant to make submissions respecting such review

Level 1 process not documented

Level 2 process documented but not readily available to applicant

Level 3 process documented and made available to the applicant

16(3)(n) a statement that no one who acted as a decision-maker in respect of a registration decision acted as a decision-maker in an internal review

- compliant or non-compliant
-

16(3)(o) the number of internal reviews carried out in the reporting period and the timelines for making decisions on those reviews

- information will be collected as a requirement of the annual data collection
-

16(3)(p) a description of the training provided to individuals who make internal review decisions

- compliant or non-compliant
-

16(3)(q) all of the following information concerning individuals qualified outside of the province

- i the number of applicants who received their qualifications outside of the province but within Canada and a listing of the provinces of Canada where such qualifications were obtained
 - ii the number of applicants who received their qualifications outside of Canada and a listing of the countries where such qualifications were obtained
 - iii the number of applicants identified above accepted and rejected for registration during the reporting period
- information will be collected as a requirement of the annual data collection

Compliance and Continuous Improvement

In cases where there is an unwillingness on the part of the regulatory body to fulfill their obligations as set out in the FRPA review action plan, or if there is an unwillingness to participate in the FRPA review process given every effort by the Review Officer to engage the regulatory body, the Review Officer may make a recommendation to issue a compliance order as per Section 17 of the Act. An order by the Review Officer under Section 17 is subject to review by the Supreme Court of Nova Scotia.

A penalty of up to \$10,000 may be imposed on a regulatory body for

- failing to file a report as required by the Review Officer
- providing false or misleading information to the Review Officer
- failing to comply with an order made by the Review Officer
- obstructing the Review Officer with duties as required by the Act
- contravening Section 20(2) dealing with discrimination or intimidation of a person who co-operates with or provides information to the Review Officer

The FRPA review process was developed to create a culture where regulatory bodies are able to continue to reflect on the FRPA principles, eliminate any unnecessary barriers, and uphold a high standard for registration.