

BRIEFING NOTE

TO: Council

FROM: Laura Briard, Manager, Professional Programs

DATE: May 28, 2018

SUBJECT: Office of the Fairness Commissioner Update

Purpose:

To provide Council with information regarding the Office of the Fairness Commissioner and the findings of the College's recent Assessment of Registration Practices performed by the OFC. No decision or action by Council is required.

Background:

The Office of the Fairness Commissioner (OFC) assesses the registration practices of regulated professions and trades to make sure they are **transparent, objective, impartial and fair** to anyone applying to practice his/her profession in Ontario.

The mandate of the OFC and the responsibilities of regulatory bodies are outlined in the *Fair Access to Regulated Professions and Compulsory Trades Act 2006* (FARPACTA) and its amendments to Schedule 2 to the *Regulated Health Professions Act, 1991* (RHPA). FARPACTA and the amendments to the RHPA are collectively known as "fair access legislation". The vision of fair access legislation is that all qualified applicants may attain licensure, regardless of their places of training.

Under the fair access legislation, the OFC requires regulatory bodies to review their own registration processes, submit annual Fair Registration Practices reports, participate in in-depth Assessment of Registration Practices every three years, and implement any recommendations for improvement made by the OFC.

Annual Fair Registration Practices Report

The College is required to submit an annual Fair Registration Practices Report to the OFC detailing registration practices and compliance with fair access legislation by March 1 of each year. The College must make each Fair Registration Practices Report publicly available within 30 days of submitting the report to the OFC. The College's Fair Registration Practices Reports can be found on our website here: <http://www.coptont.org/BECOMING/fair-registration.php>.

Assessment of Registration Practices

In addition to reviewing Fair Registration Practices Reports annually, one of the primary ways the OFC holds regulators accountable for continuous improvement is through conducting an Assessment of Registration Practices every three years. Assessment cycles alternate between full assessments and targeted assessments:

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

The objective of the assessments is to help regulatory bodies to meet fair access obligations by:

- Identifying regulators' strengths and weaknesses in fulfilling their duties set out in the fair access legislation
- Making recommendations to address any weaknesses
- Requiring regulatory bodies to commit to actions to enhance the fairness of their practices

At the conclusion of an Assessment of Registration Practices, the OFC produces a detailed report outlining any recommendations or suggestions for continuous improvement. Regulators who receive more than ten recommendations must submit an action plan to the OFC addressing how recommendations will be addressed. Regulators who receive ten or less recommendations have the option of submitting an action plan or having semi-annual meetings with the OFC to provide progress updates.

Learning Modules

The OFC also provides educational activities and solutions for regulators to help foster transparent, objective, impartial and fair registration practices. Currently, the OFC has three learning modules that can be used as a tool for regulators to train staff members, committee members and council members and to orient front-line staff. The learning modules are open-access and address difficulties in interpreting how fair access principles apply to registration processes in general, how they apply to a regulator's specific processes, and what is expected of regulators.

The OFC modules are open-access and are available on the OFC website here: http://www.fairnesscommissioner.ca/index_en.php?page=learning_modules/index.

Current Information:

On November 23, 2017, the OFC initiated a full assessment of registration practices at the College. College staff worked collaboratively with the OFC to provide the necessary information and documentation within established deadlines.

On January 3, 2018, the OFC released a draft report to the College for review. The draft report contained fourteen recommendations. On February 2, 2018, the College provided a response and further documentation to the OFC for consideration. On March 23, 2018, the Registrar and Manager of Professional Programs met in-person with the OFC to discuss the draft report.

On March 27, 2018, the OFC released a final report containing only ten recommendations. A copy of the Assessment of Registration Practices Report is attached.

Commendable Practices

A commendable practice recognized by the OFC is a program, activity or strategy that goes beyond the minimum standards set by the OFC assessment guidelines. The OFC found the College is demonstrating ten commendable practices, including:

- Continuing to improve assessment tools for the Prior Learning Assessment and Recognition (PLAR) process (such as developing a scorecard and creating standardized scenarios).
- Updating the Registration Timelines Policy to ensure that timelines for each step in the registration process are more precise and transparent.
- Launching an organization-wide customer service standard initiative to improve staff response rates and communications with applicants and member
- Amending the Policy Dealing with Convictions, Findings and Ongoing Proceedings to help applicants better understand how affirmative answers to declaration of conduct questions on their applications are handled as part of the registration process.
- Updating the Contact Lens Fitting Policy to clarify how contact lens fittings are completed by students as they work towards registration requirements.
- Consulting with interested stakeholders on the proposed Registration Regulation to ensure that changes do not exclude or limit certain groups of applicants.

Recommendations

The OFC identified ten recommendations for improvement, including:

- Develop procedures to collect and analyze data on consistency and accuracy of assessment decisions and use data to identify and implement corrective actions as needed to ensure consistency and accuracy.

- Develop and implement processes to regularly review assessment procedures for potential bias, record and develop mitigation strategies with the intention to avoid situations of bias, and carry out corrective actions in a timely manner as needed.
- Implement a formal and structured process to obtain on-going feedback from applicants and members on their experiences in the registration process.
- Develop guidelines for staff and decision-makers that provide procedures to follow if situations of bias have been identified during the decision-making process.
- Augment existing policies and procedures with guidelines prohibiting threats and retaliation against applicants who submit requests for appeals, or complaints about staff and procedures.
- For the proposed change to the practical experience requirement:
 - Be transparent about the competence standards and the criteria that will be used to assess whether the competencies are demonstrated;
 - Identify the measurement criteria for the competence standards and processes to consistently apply the criteria;
 - Review and consider how the change will affect current and prospective applicants and take steps to address any adverse effects;
 - Develop procedures for regular review of the competence standards for practicum placements; and
 - Document competence standards and the criteria in policy and make available to the public.
- For the proposed currency requirement:
 - Document a clear rationale for the currency requirement that establishes its relevance and necessity to the practice of the profession. The justification should be based on evidence illustrating that the change is necessary;
 - Develop a transition plan for the currency requirement, including a communications approach;
 - Consider alternatives and exceptional circumstances, such as for applicants who have been away from the practice due to maternity/paternity leave or for newcomers to Canada who have been away from the profession for an extended period due to their settlement process;
 - Outline the curriculum and delivery providers for the refresher program;
 - Be clear about any costs to applicants for the refresher program; and
 - Review and consider how the change will affect current and prospective applicants and take steps to address any adverse effects.

Next Steps

In response to the OFC's ten recommendations, the College will submit an action plan to communicate to the OFC how recommendations will be addressed. The action plan will also be used to provide updates to the OFC, and to submit evidence of completion of recommendations.



REGISTRATION PRACTICES ASSESSMENT REPORT ***College of Opticians of Ontario (COO)***

2016-2018 Assessment Cycle (Cycle 3)

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March 27, 2018

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. The mandate is to ensure that 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 \(FARPACTA\)](#) 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 Opticians of Ontario (COO) is a full assessment.

The OFC's detailed report captures the results of the full assessment. However, practices related to the provision of information are excluded. For regulators that have previously demonstrated compliance with practices related to the provision of information, 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

¹These 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. However, practices related to provision of information were excluded from the assessment and have been removed from the report.

Comments

In this assessment, the OFC found that the COO has continued to show a strong commitment towards developing and implementing fair registration practices. In particular, the COO has demonstrated all of the practices in the following specific-duties areas:

- Timely Decisions, Responses and Reasons
- Internal Review or Appeal
- Training
- Access to Records

However, the COO needs to improve its assessment of qualifications practices. The OFC identified three areas where the regulator needs to take further actions to meet their specific-duties obligations.

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.

Comments

Since the last assessment, the COO has taken actions to meet its general duty obligations. For example, the COO had previously required that applicants undergoing the Prior Learning Assessment and Recognition (PLAR) process submit three professional references as part of their applications. Upon the OFC's recommendation, this requirement that was specific to PLAR applicants was removed. Current practice instead requires PLAR applicants to submit a letter from a previous supervisor to verify their prior practical experience as part of their applications.

In response to another recommendation, the COO developed the Policy Dealing with Convictions, Findings and Ongoing Proceedings to provide applicants with guidance and information on the process and evaluation criteria used to make decisions regarding professional conduct. While the COO has taken significant steps to achieving their general duty obligations, this assessment report outlines two recommendations related to transparency, three related to impartiality and two related to fairness, where further developments are needed.

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:

Specific Duty

Assessment of Qualifications

1. Continuing to improve its assessment tools for the Prior Learning Assessment and Recognition (PLAR) process by developing a scorecard for assessors to understand the relative weight of an applicant's interview and Competency Gap Analysis (CGA) scores, and standardized scenarios for the interview component.
2. Reaccrediting four opticianry programs and accrediting four additional opticianry programs from across Canada offering full-time, part-time and online learning options.

General Duty

Transparency

1. Updating the Registration Timelines Policy to ensure that timelines for each step in the registration process for each class of registration are more precise and transparent. Changes to the policy provide applicants with a clearer understanding of the timelines involved in the process and help them to prepare for next steps.
2. Transitioning to a paperless registration system and communicating with applicants and members electronically. By receiving communications and registration documentation by email, applicants are provided with the information that they need about the registration process and notified of the status of their applications in a more consistent and timely manner.
3. Launching an organization-wide customer service standard initiative to improve staff response rates and communications with applicants and members. Due to this change, phone and email requests from applicants and members for all classes of registration are responded to within two business days.
4. Engaging staff in a one-day relational writing training program to improve the readability and effectiveness of communications to applicants and members. Following the training program, the COO reviewed and updated their registration materials, email templates and website content using plain language.
5. Amending the Policy Dealing with Convictions, Findings and Ongoing Proceedings to help applicants better understand of how affirmative answers to declaration of conduct questions on their applications are handled by the regulator as part of the registration process.

6. Updating the Contact Lens Fitting Policy to clarify how contact lens fittings are completed by students as they work towards registration requirements.

Objectivity

1. Amending the Policy Dealing with Convictions, Findings and Ongoing Proceedings to provide registration committee members with documented criteria and measures to evaluate the good character requirement as part of the registration process.

Fairness

1. Consulting with interested stakeholders, including the OFC, on the proposed changes to the 1,000-hour practical experience and the new currency requirements to ensure that changes do not exclude or limit certain groups of applicants.

Recommendations

The regulator can improve in the following areas:

Specific Duty

Assessment of Qualifications

1. Develop procedures for the following:
 - a. Collect and analyze data on consistency and accuracy of assessment decisions; and
 - b. Use data to identify and implement corrective actions as needed to ensure consistency and accuracy. (Practice 6.10)
2. Develop and implement processes to conduct the following:
 - a. Regularly review assessment procedures for potential bias,
 - b. Record and develop mitigation strategies with the intention to avoid situations of bias, and
 - c. Carry out corrective actions in a timely manner as needed. (Practice 6.12)
3. Identify and implement measures to verify whether third-parties' assessment practices are transparent, objective, impartial and fair. The measures should include procedures to:
 - a. Evaluate and monitor third-parties' assessment practices; and
 - b. Identify potential issues and, if any issues are identified, take actions to address them. (Practice 6.15)

General Duty

Transparency

1. Implement a formal and structured process to obtain on-going feedback from applicants and members on their experiences in the registration process.
2. Identify intervals at which it will be feasible to review written policies and procedures to ensure that they remain relevant and current as follows:
 - a. Once a review cycle is established, conduct reviews in accordance to specified timelines;
 - b. If the review identifies that written policies and procedures need to be updated, identify those that need to be revised and update them within the specified timelines; and

- c. Update registration materials for applicants to ensure that the materials reflect existing practices.

Impartiality

1. Develop guidelines for staff and decision-makers that provide procedures to follow if situations of bias have been identified during the decision-making process.
2. Put into place control procedures to avoid or minimize bias, to monitor and identify potential sources of bias, and to implement corrective actions as needed.
3. Augment existing policies and procedures with guidelines prohibiting threats and retaliation against applicants who submit requests for appeals, or complaints about staff and procedures.

Fairness

1. For the proposed change to the practical experience requirement:
 - a. Be transparent about the competence standards and the criteria that will be used to assess whether the competencies are demonstrated;
 - b. Identify the measurement criteria for the competence standards and processes to consistently apply the criteria;
 - c. Review and consider how the change will affect current and prospective applicants and take steps to address any adverse effects;
 - d. Develop procedures for regular review of the competence standards for practicum placements; and
 - e. Document competence standards and the criteria in policy and make available to the public.
2. For the proposed currency requirement:
 - a. Document a clear rationale for the currency requirement that establishes its relevance and necessity to the practice of the profession. The justification should be based on evidence illustrating that the change is necessary;
 - b. Develop a transition plan for the currency requirement, including a communications approach;
 - c. Consider alternatives and exceptional circumstances, such as for applicants who have been away from the practice due to maternity/paternity leave or for newcomers to Canada who have been away from the profession for an extended period due to their settlement process;
 - d. Outline the curriculum and delivery providers for the refresher program;
 - e. Be clear about any costs to applicants for the refresher program; and
 - f. Review and consider how the change will affect current and prospective applicants and take steps to address any adverse effects.

Assessment History

In the previous assessment, the OFC identified three recommendations for the regulator. Two of those recommendations have been implemented and one is outstanding:

1. Continue to explore options for providing applicants with resources that help them understand the format and expectations of the interview component of the Prior Learning Assessment and Recognition (PLAR) process.

This recommendation is not counted towards the total number of recommendations for this assessment cycle.

Detailed Report²

Specific Duty

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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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
OFC Comments	<p>The COO provides applicants that have been refused a certificate of registration with the opportunity to appeal registration decisions. Information on the appeal process is provided to applicants in decision and reasons letters, on the COO's website and in their Registration Appeal Panel Policy. However, it may be useful for the COO to make some aspects of this information more comprehensive and clearer.</p> <p>Specifically, the COO could reference the Registration Appeal Panel Policy and outline the primary steps in the process in its online information for applicants. The COO could also clarify in its policy document that the process will move forward even if an applicant chooses not to make additional submissions to support their appeal. The COO plans to propose and consider these changes to their policy document and information for applicants in an up and coming Registration Committee meeting.</p> <p>Furthermore, the OFC finds that information on the fee for an appeal is only provided in the policy document. It would therefore be useful for the COO to also include this fee in other information for applicants on their website. The COO has indicated that they plan to include this fee information on their website in the near future.</p>

²Please 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.

Suggestions for continuous improvement	<ul style="list-style-type: none"> • Include content referring applicants to the Registration Appeal Panel Policy for further information on the appeals process in its information for applicants where appropriate. • Clearly state that it is optional for an applicant to submit new documents or information and that the appeal process will move forward whether or not submissions were made in the policy document and information for applicants. • Provide information on the fee for appeal in information for applicants and registration materials, such as the College Fees section of the website.
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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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6. Specific Duty — Assessment of Qualifications

RHPA, Schedule 2, s. 22.4(2)

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
Commendable practice	<p>The COO continues to improve its assessment tools for the Prior Learning Assessment and Recognition (PLAR) process. For example, the COO:</p> <ul style="list-style-type: none"> • Has created a scorecard for assessors to understand the relative weight of an applicant's interview and Competency Gap Analysis (CGA) scores and to interpret these assessment components when assigning educational bridging programs; • Has developed standardized scenarios for the interview component of the PLAR; and • Completed the development, assessment and validation of a second test CGA form to increase their bank of questions. <p>These developments have enhanced the objectivity and consistency of assessments used in the PLAR process. The changes have also provided applicants with a clearer understanding of each phase of the assessment process.</p>

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

Assessment Outcome	Not Applicable
OFC Comments	This practice does not apply to the COO as they do not conduct examinations.

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
Commendable practice	In 2016, the COO reaccredited four opticianry programs and accredited four additional opticianry programs from across Canada offering full-time, part-time and online learning options. Two of the newly recognized programs are instructed in the French language.

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	Partially Demonstrated
OFC Comments	<p>When assessing this practice, the OFC was seeking evidence to demonstrate how the COO monitors the consistency and accuracy of its assessment decisions. In particular, the OFC was seeking how the COO assesses the extent to which decisions are consistent and accurate and how it identifies and implements any corrective actions, if needed.</p> <p>The OFC found that the COO has some procedures in place to monitor the accuracy and consistency of its assessment decisions. For example, procedures include a tracking sheet to record the outcomes for each foreign qualifications assessment, frequent staff meetings to discuss different cases and other issues relating to assessments, and final review of assessment decisions by the Registrar.</p> <p>However, it is unclear to the OFC how these procedures alone enable the COO to measure the extent to which its assessment decisions are accurate and consistent. Also, the OFC did not find sufficient evidence of a structured process whereby the COO identifies and implements any corrective actions.</p>
Recommendations	<ul style="list-style-type: none"> • Develop procedures for the following: <ul style="list-style-type: none"> a. Collect and analyze data on consistency and accuracy of assessment decisions; and b. Use data to identify and implement corrective actions as needed to ensure consistency and accuracy.

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	Not Demonstrated
OFC Comments	<p>When assessing this practice, the OFC was looking for documented evidence that the COO has processes in place to avoid or minimize bias in its assessment decisions, to monitor assessment procedures to identify potential sources of impartiality, and to identify and implement corrective actions if needed. However, the OFC did not find sufficient evidence of these actions.</p>
Recommendations	<ul style="list-style-type: none"> • Develop and implement processes to conduct the following: <ul style="list-style-type: none"> a. Regularly review assessment procedures for potential bias; b. Record and develop mitigation strategies with the intention to avoid

	<p>situations of bias; and</p> <p>c. Carry out corrective actions in a timely manner as needed.</p>
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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	Partially Demonstrated
OFC Comments	<p>The COO relies on the National Association of Canadian Optician Regulators (NACOR) to administer entry-to-practice examinations for registered opticians in Ontario. They also depend on World Education Services (WES) to assess non-accredited program credentials and various language-testing agencies to assess proficiency in English and French.</p> <p>The COO informed the OFC that it takes various measures to ensure that its third-party assessors adhere to transparent, objective, impartial and fair assessment practices. Specifically, the COO explains that it takes the following actions:</p> <ul style="list-style-type: none"> • Conducts reviews of third-party assessors' website information for applicants; • Includes third-party assessor information on the COO's website and in its registration materials for applicants; • Verifies applicants' examination results in accordance with third-party benchmarks; • Maintains staff-to-staff contact with third-party assessors; • Invites third-party assessors to present information to COO staff; and • Participates in substantive policy decisions through representation on third-parties' committees and governing authority. <p>While these are important actions to take, it is not obvious how these actions alone enable the COO to verify that third-party assessment practices are transparent, objective, impartial and fair. The OFC recommends that the COO take further measures to identify and implement ways to monitor and evaluate third-party assessment practices. For example, the COO might consider developing formal service agreements with each of its third-party assessors that establish service standards and procedures for monitoring and</p>

	holding third-party assessors into account. The COO could also work in collaboration with its third-party assessors to identify and address any potential issues raised by applicants related to third-party assessments.
Recommendations	<ul style="list-style-type: none"> Identify and implement measures to verify whether third-parties' assessment practices are transparent, objective, impartial and fair. The measures should include procedures to: <ul style="list-style-type: none"> a. Evaluate and monitor third-parties' assessment practices; and b. Identify potential issues and, if any issues are identified, take actions to address them.

7. Specific Duty — Training

RHPA, Schedule 2, s. 22.4(3)

- 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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- 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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- 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

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

Assessment Outcome	Demonstrated
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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
OFC Comments	This practice is not applicable as there is no fee required of applicants to access their records.

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>While the COO takes measures to achieve transparent registration practices, there are two areas where further improvements are necessary. To take these efforts even further, the OFC identified two suggestions for continuous improvement. More details are provided below.</p> <p>Openness</p> <p>The COO implements various steps to enable interested stakeholders to understand how the registration process operates. The COO's actions include:</p> <ul style="list-style-type: none"> • Publishing information about the structure of accountability for registration and appeals functions, such as the committee members involved, terms of reference and mandate information, and the roles and responsibilities of the committee Chair; • Making Council meeting packages available on their website and inviting interested stakeholders to attend meetings in-person or via webinar; • Eliciting stakeholder feedback on proposed amendments to regulations, by-laws and policies through feedback forms and surveys available on their website; • Providing detailed information and documentation on its website about registration requirements and processes, including application forms and guides, frequently asked questions, and paths to registration flowcharts; • Developing and revising policy documents that relate to procedures that govern the registration process; and • Providing applicants, members and the public with updates on by-law amendments, registration policies and initiatives through the Public Section of its website, newsletters and mailing list. <p>It is evident that the COO has structures and processes in place to enable interested</p>
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	<p>stakeholders to see how the registration process operates and to provide input into key discussions on registration policy. However, when assessing this general duty principle, the OFC was also seeking evidence that showed how the COO collected and considered applicant feedback. To meet this obligation, the COO could implement a formal and structured process to elicit regular feedback from both applicants and members on their registration experiences and to use this input where possible to improve the registration process. It may also be helpful for the COO to establish a schedule for the review of registration policies, procedures and criteria, both to ensure that they align with current registration practices and are updated on a timely basis as needed.</p> <p>Access</p> <p>The COO ensures that applicants have all of the relevant information at the time and in the way they need to take the appropriate steps in the registration process. For example, the COO has recently transitioned to a paperless registration system that has provided applicants with more timely information on their applications and next steps in the registration process.</p> <p>Clarity</p> <p>The COO takes measures to communicate with applicants throughout the registration process and to ensure that the information provided is complete, accurate and easy to understand. For instance, the COO has:</p> <ul style="list-style-type: none"> • Made recent revisions to registration materials and communications with applicants for enhanced clarity and readability; • Developed a Registration Timelines Policy to notify applicants of the timelines involved in each step of the registration process; and • Provided applicants with opportunities to meet with registration staff in-person to discuss the status of their applications and resultant decisions. <p>While these are important measures to take, to create even further clarity, it may be useful for the COO to develop a translation policy for applicants that need to submit documents with their applications that are not in English or French. The policy document could provide applicants with information on what the COO would accept and not accept for translations and whether the applicant can arrange for translations of their documents from outside of Canada.</p> <p>For future consideration, the OFC suggests reviewing and better aligning the content describing ‘conduct’ in application forms and guides for increased clarity (for example, align question 7.f. on the application form for registered optician and the third statement on page 10 of the application guide). The COO may also consider referencing the Language Proficiency Policy in their application forms and guides.</p>
Recommendations	<ul style="list-style-type: none"> • Implement a formal and structured process to obtain on-going feedback from applicants and members on their experiences in the registration process. • Identify intervals at which it will be feasible to review written policies and procedures to ensure that they remain relevant and current as follows: <ol style="list-style-type: none"> a. Once a review cycle is established, conduct reviews in accordance to

	<p>specified timelines;</p> <p>b. If the review identifies that written policies and procedures need to be updated, identify those that need to be revised and update them within the specified timelines; and</p> <p>c. Update registration materials for applicants to ensure that the materials reflect existing practices.</p>
Suggestions for continuous improvement	<ul style="list-style-type: none"> • Develop a translation policy that details the steps an applicant must take to translate documents for their applications that are not in English. Make reference to the policy where appropriate in information for applicants and registration materials. Indicate whether any documentation can be translated outside of Canada. • Review and better align statements relating to 'conduct' of applicants in application forms and guides. • Reference the Language Proficiency Policy in the application form and guide for applicants that need to demonstrate this requirement for registration.
Commendable practices	<ul style="list-style-type: none"> • Updating the Registration Timelines Policy to ensure that timelines for each step in the registration process for each class of registration are more precise and transparent. Changes to the policy provide applicants with a clearer understanding of the timelines involved in the process and help them to prepare for next steps. • Transitioning to a paperless registration system and communicating with applicants and members electronically. By receiving communications and registration documentation by email, applicants are provided with the information that they need about the registration process and notified of the status of their applications in a more consistent and timely manner. • Launching an organization-wide customer service standard initiative to improve staff response rates and communications with applicants and members. Due to this change, phone and email requests from applicants and members for all classes of registration are responded to within two business days. This practice demonstrates the COO's commitment to providing their applicants and members with a higher quality of service. • Engaging staff in a one-day relational writing training program to improve the readability and effectiveness of communications to applicants and members. Following the training program, the COO reviewed and updated their registration materials, email templates and website content using plain language. • Amending the Policy Dealing with Convictions, Findings and Ongoing Proceedings to help applicants better understand of how affirmative answers to declaration of conduct questions on their applications are handled by the regulator as part of the registration process. The policy outlines criteria used to assess the application, potential outcomes for the applicant, and the decision appeal process. The policy also clarified that specific information provided by the applicant on findings of guilt, professional misconduct, incompetence and incapacity, and bail conditions may be posted on the public register once they become a member. • Updating the Contact Lens Fitting Policy to clarify how contact lens fittings are completed by students as they work towards registration requirements.

Objectivity

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

Assessment outcome	<p>The COO takes various steps to achieve objectivity in its registration process as follows:</p> <p>Reliability</p> <p>To achieve reliability in registration decisions, the COO:</p> <ul style="list-style-type: none"> • Provides assessors with the requirements and criteria that applicants must meet, and has a process to review information on these requirements and criteria for clarity and accuracy; • Provides access to a range of policy documents that help decision-makers interpret relevant evidence against registration requirements and criteria in their reviews; • Supplies relevant and sufficient training to decision-makers on the registration process; • Records assessment outcomes for internationally trained applicants on a tracking sheet for future reference; and • Refers to precedent cases as needed during the review of applications. <p>Validity</p> <p>The COO also takes steps to ensure registration decisions are valid. For instance, the regulator:</p> <ul style="list-style-type: none"> • Requires decision-makers to use standardized tools and interview scenarios in the Prior Learning Assessment and Recognition (PLAR) process; and • Conducts frequent meetings to discuss different cases and other registration issues.
Commendable practice	<ul style="list-style-type: none"> • Amending the Policy Dealing with Convictions, Findings and Ongoing Proceedings to provide registration committee members with documented criteria and measures to evaluate the good character requirement as part of the registration process.

Impartiality

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

Assessment outcome	<p>The COO implements various measures to achieve impartiality in its registration decisions.</p> <p>Identification of Bias</p> <p>The COO takes steps to identify sources of potential bias in its decision making. For</p>
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	<p>example, the COO provides staff and committee members who deal with applicants and make registration decisions with training to help them identify potential sources of bias in the decision-making process. The COO also gave its decision-makers the opportunity to view the OFC learning module, <i>Applying Fair-Access Law in Scenarios</i>, and apply strategies learned to their registration practices.</p> <p>Strategies</p> <p>The COO implements strategies to avoid bias, such as:</p> <ul style="list-style-type: none"> • Basing its registration decisions on concrete evidence; • Using group deliberations to come to registration decisions; and • Considering internal and external factors prior to introducing registration changes when developing or amending its registration policies. For example, the COO elicits and takes into account stakeholder considerations prior to implementing changes. <p>However, when assessing this general duty principle, the OFC was also looking for documented evidence that the COO informs its staff and committee members on what they must do if they identify situations of bias, takes actions to verify the impartiality of its registration decisions, and prohibits discrimination and bias towards applicants. Several recommendations in these areas have been identified below.</p>
Recommendations	<ul style="list-style-type: none"> • Develop guidelines for staff and decision-makers that provide procedures to follow if situations of bias have been identified during the decision-making process. • Put into place control procedures to avoid or minimize bias, to monitor and identify potential sources of bias, and to implement corrective actions as needed. • Augment existing policies and procedures with guidelines prohibiting threats and retaliation against applicants who submit requests for appeals, or complaints about staff and procedures.

Fairness

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

Assessment outcome	<p>The COO takes measures to promote fairness in its registration process. Suggestions for continuous improvement have been identified below.</p> <p>Substantive fairness</p> <p>The COO takes the following measures to promote substantive fairness:</p> <ul style="list-style-type: none"> • Eliminates the registration requirement to provide three professional references for applicants from non-accredited educational programs; and • Reviews and compares its fees with other health regulators on a regular basis.
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Procedural fairness

The COO takes steps to ensure procedural fairness in its registration practices, including:

- Allowing applicants to begin the registration process from outside of Canada;
- Providing applicants with opportunities to ask for registration information in alternative formats and updates on the status of their applications; and
- Providing applicants with full access to their records upon written request, including a copy of Competency Gap Analysis (CGA) scores and interviewer recommendations report for applicants that completed the PLAR assessment process.

According to the COO's Registration Timelines Policy document, an applicant from a non-accredited program in opticianry may expect the registration process to take up to 10 months to complete. The OFC understands that the COO is currently looking into ways to reduce this timeline for these applicants to within 8 months, such as by offering three PLAR interview dates per year as opposed to two. The OFC supports this work and encourages the COO to continue to review their processes and implement strategies to further reduce these timelines.

The COO is in the process of revising its Registration Regulation, which will include changes to registration requirements relating to practical experience and currency. At present, the COO requires that applicants to the registered optician class provide evidence of 1,000 hours of verified dispensing experience [*Opticianry Act, 1991*, Section 5(1)3]. For applicants from accredited programs in opticianry, this is achieved through the completion of an approved practicum. The COO proposes to replace the 1,000 hours with a more flexible requirement that allows applicants to either complete an approved practicum or demonstrate the equivalent practical experience. The OFC supports this change to link the practicum requirement more closely to entry-to-practice competencies. However, if this proposed change is implemented, the OFC recommends actions be taken to ensure that all applicants have an equal opportunity to demonstrate their ability to practice. These actions are outlined below under recommendations. The OFC will continue to monitor further developments.

The OFC understands that the COO also intends to introduce a currency requirement to ensure that applicants to the registered optician class have up to date knowledge, skill and judgment. To meet this requirement, the COO proposes that an applicant successfully complete an approved opticianry program or examinations within 18 months of their application, practise opticianry within three years of their application, or successfully complete a refresher program or professional competency assessment within one year prior to or after their application and any resultant upgrading courses as determined by the assessment. The COO has explained that the refresher program will be individualized for the profession and may include continuing education courses and/or mentoring. In preparation for the implementation of this requirement, the OFC recommends that several actions be taken to ensure that all applicants have a fair opportunity to participate in this part of the registration process. These actions are listed below under recommendations.

	<p>Relational fairness</p> <p>The COO takes the following measures to promote relational fairness:</p> <ul style="list-style-type: none"> • Considers applicants' requests to provide alternative documentation, where required documentation cannot be obtained for reasons beyond their control; and • Reviews and identifies alternative documentation that applicants can submit to demonstrate registration requirements, such as for detailed course outlines, language proficiency, legal name, and immigration status requirements. <p>The COO also has a Customer Service Accessibility Policy in accordance with the Accessibility for Ontarians with Disabilities Act, 2005, that applies to all employees, agents, volunteers and contracted staff. In 2016, this policy replaced the need for the Accommodations of Special Needs Policy, which had detailed instructions for applicants requiring accommodations to complete the PLAR process and registration examination. The OFC finds that the Customer Service Accessibility Policy no longer includes such detailed information for applicants. The OFC therefore suggests the COO consider incorporating some of the content relating to accommodation requests from the previously used policy to the one currently in place. This will ensure that applicants have knowledge of and access to the supports that they need to fully engage in the registration process. The COO plans to review and update this policy document as needed in the near future.</p> <p>During the 2014 assessment, the OFC recommended that COO continue to explore options for providing applicants with resources that help them understand the format and expectations of the interview component of the PLAR process. The COO anticipates that these resources, in development by the Alberta College and Association of Opticians (ACAO), will be made available online in early 2018. The OFC supports this effort and encourages the regulator to continue to identify and take steps to improve the relational fairness of the interview process.</p>
<p>Recommendations</p>	<ul style="list-style-type: none"> • For the proposed change to the practical experience requirement: <ul style="list-style-type: none"> a. Be transparent about the competence standards and the criteria that will be used to assess whether the competencies are demonstrated; b. Identify the measurement criteria for the competence standards and processes to consistently apply the criteria; c. Review and consider how the change will affect current and prospective applicants and take steps to address any adverse effects; d. Develop procedures for regular review of the competence standards for practicum placements; and e. Document competence standards and the criteria in policy and make available to the public. • For the proposed currency requirement: <ul style="list-style-type: none"> a. Document a clear rationale for the currency requirement that establishes its relevance and necessity to the practice of the profession. The justification should be based on evidence illustrating that the change is necessary; b. Develop a transition plan for the currency requirement, including a communications approach;

	<ul style="list-style-type: none"> c. Consider alternatives and exceptional circumstances, such as for applicants who have been away from the practice due to maternity/paternity leave or for newcomers to Canada who have been away from the profession for an extended period due to their settlement process; and d. Outline the curriculum and delivery providers for the refresher program; e. Be clear about any costs to applicants for the refresher program; f. Review and consider how the change will affect current and prospective applicants and take steps to address any adverse effects.
Suggestions for continuous improvement	<ul style="list-style-type: none"> • Review registration processes and implement strategies to further reduce timelines for applicants from non-accredited programs in opticianry that undergo the PLAR process. • Review and revise the Customer Service Accessibility Policy to include information on accommodation requests from applicants for the PLAR process and registration examination. Once the modifications have been made, provide references to the policy and instructions for applicants in the information for applicant section of the website and registration materials.
Commendable practice	<ul style="list-style-type: none"> • Consulting with interested stakeholders, including the OFC, on the proposed changes to the 1,000-hour practical experience and the new currency requirements to ensure that changes do not exclude or limit certain groups of applicants.

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](#).