

# Proposed Transparency Changes: Highlights

**The following are the highlights of the proposed changes in the affected By-Laws:**

- A. Information obtained through registration and renewal processes
- B. Information related to the decisions of the Inquiries, Complaints and Reports Committee (ICRC)
- C. Information related to the Discipline hearings and Discipline Committee decisions

A

## **Proposed Registration By-Law Changes:**

The following questions relate to proposed by-law changes that allow for additional information to be collected through the registration and renewal processes and posted on the Public Register. These include the following areas of information:

1. Criminal findings/convictions
2. Criminal charges and Bail conditions; and
3. Information from other regulators.

### **1. Proposed By-Law changes regarding criminal findings:**

A summary of any findings of guilt, of which the College is aware, made by a court on or after January 1, 2016 against a member in respect of a provincial, federal or other offence that the Registrar believes is relevant to the member's suitability to practise. Any such summary shall be removed if the finding is successfully appealed

through the judicial process or otherwise set aside or if a record suspension has been granted by the Parole Board of Canada or similar authority.

**IN PLAIN LANGUAGE THIS MEANS:**

What we will post:

Criminal convictions that are viewed as relevant by the College.

**When we will start posting:**

Eligible findings/convictions made after a fixed date to be determined (provisionally January 1, 2016).

**When we will remove it from the public register:**

Information is not removed, unless a judicial pardon is granted.

**2. Criminal Charges and Bail Conditions**

Proposed By-Law changes that would allow the College to collect the following information:

a) Information about any existing charges against a member, commenced on or after January 1, 2016, in respect of a federal, provincial or other offence.

and

b) Information about any existing conditions, terms, orders, directions or agreements relating to the custody or release of the member in respect of federal, provincial, or other offence processes.

This information would then be posted on the Public Register of members in the following manner:

A summary of any existing charges against a member, commenced on or after January 1, 2016, of which the College is aware, in respect of a federal, provincial or other offence that the Registrar believes is relevant to the member's suitability to practise.

and

A summary of any existing conditions, terms, orders, directions or agreements commenced on or after January 1, 2016 relating to the custody or release of the member in respect of federal, provincial or other offence processes of which the College is aware and that the Registrar believes is relevant to the member's suitability to practise.

**IN PLAIN LANGUAGE THIS MEANS:**

**We will post:**

Charges and bail conditions that are viewed as relevant by the College/relevant to the member's suitability to practise.

**The posting will begin:**

Charges and bail conditions made after a fixed date to be determined (provisionally January 1, 2016).

**When will we remove it from the Public Register:**

Charges, bail conditions or restrictions would stay on the public register while in effect

**3. Information From Other Regulators**

Proposed by-law changes that would allow the College to post information from other regulators on the Public Register:

Where the College is aware that a member is, or was registered or licensed to practise a profession inside or outside of Ontario, a notation of that fact.

**IN PLAIN LANGUAGE THIS MEANS:**

**We will post:**

If the College is aware of the information, post the fact that the member is or has been regulated by the other regulator so that the public can request that information from the other regulator.

**When we will start posting:**

The fact that a member is or has been regulated by another regulator will be posted after a fixed date at some point in the future (provisionally January 1, 2016).

When we will remove the information from the public register:

Information would not be removed, unless no longer considered relevant by the College.

## **B**

The following relates to proposed by-law changes that would allow CASLPO to post information about the complaint and the decisions of the ICRC in the cases where a member is ordered to:

1. Appear before the ICRC to receive an oral caution and/or
2. Complete a specified continuing education or remediation program (SCERP)
1. Appear before the ICRC to receive an oral caution and/or

### **Proposed by-law changes which would allow CASLPO to post information regarding oral cautions:**

7.1 In addition to the information set out in subsection 23 (2) of the Code, the Register shall contain the following information available to the public with respect to each member:

7.1.21 Where, for a complaint filed on or after January 1, 2016 or for a matter in which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code on or after January 1, 2016, a panel of the Inquiries, Reports and Complaints Committee requires a member to appear before a panel of the Committee to be cautioned, as authorized by paragraph 3 of subsection 26(1) of the Code,

- (a) a notation of that fact,
- (b) a summary of the caution,
- (c) the date of the panel's decision, and

(d) if applicable, a notation that the panel's decision is subject to review or appeal and therefore is not yet final, which notation shall be removed once the review is finally disposed of.

7.1.23 Where as a result of an appeal or review from the decision of the Inquiries, Complaints or Reports Committee, a member is no longer required to attend before a panel of that committee to be Cautioned or to complete a specified education or remediation program, the information placed in the register as a result of Articles 7.1.21 or 7.1.22 shall be removed, once the appeal or review has become final and the Registrar may enter a summary of the process leading up to and the results of the variation.

7.1.24 The information under Articles 7.1.21 and 7.1.22 shall be removed from the register if the member has made a written request to the Registrar for the removal of the information because the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the register outweighs the desirability of public access to the information. No request shall be brought under this section earlier than two years after the decision of the panel of the Inquiries, Complaints and Reports Committee was made

## **IN PLAIN LANGUAGE THIS MEANS:**

### **What we will post:**

The fact of the oral caution, the date of the panel's decision and a summary of the caution. This will include details about an appeal, if applicable

### **When we will start posting:**

Publication would apply to complaints received and report investigator appointments made on or after a future fixed date (provisionally January 1, 2016).

### **When will we remove it from the Public Register:**

Information will not be removed, unless the matter is successfully appealed and replaced with something other than an oral caution. There should also be a mechanism to give the member an opportunity to request removal after two years.

2. Complete a specified continuing education or remediation program (SCERP)

**Proposed by-Law changes that would allow CASLPO to post information regarding SCERPs:**

NOTE: SCERPS (Specified Continuing Education or Remediation Program), as ordered by the ICRC, are programs designed to address a specific concern with a member's knowledge, skills or judgement that has been identified through the investigation of a complaint or report.

7.1 In addition to the information set out in subsection 23 (2) of the Code, the Register shall contain the following information available to the public with respect to each member:

7.1.22 Where, for a complaint filed on or after January 1, 2016 or for a matter in which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code on or after January 1, 2016, a panel of the Inquiries, Reports and Complaints Committee requires a member to complete a specified continuing education or remediation program, as authorized by paragraph 4 of subsection 26(1) and subsection 26(3) of the Code,

(a) a notation of that fact,

(b) a summary of the specified continuing education or remediation program,

(c) the date of the panel's decision,

(d) if applicable, a notation that the requirements of the specified continuing education or remediation program have been fulfilled or completed by the member, and

(d) if applicable, a notation that the panel's decision is subject to review or appeal and therefore is not yet final, which notation shall be removed once the review is finally disposed of.

7.1.23 Where as a result of an appeal or review from the decision of the Inquiries, Complaints or Reports Committee, a member is no longer required to attend before a panel of that committee to be Cautioned or to complete a specified education or remediation program, the information placed in the register as a result of Articles 7.1.21 or 7.1.22 shall be removed, once the appeal or review has become final and the Registrar may enter a summary of the process leading up to and the results of the variation.

7.1.24 The information under Articles 7.1.21 and 7.1.22 shall be removed from the register if the member has made a written request to the Registrar for the removal of the information because the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the register outweighs the desirability of public access to the information. No request shall be brought under this section earlier than two years after the decision of the panel of the Inquiries, Complaints and Reports Committee was made

## **IN PLAIN LANGUAGE THIS MEANS:**

### **What we will post:**

The fact of the SCERP, the date of the panel's decision, a summary of the SCERP and date of successful completion. This will include details about an appeal, if applicable.

### **When we will start posting:**

Publication would apply to complaints received and report investigator appointments made on or after a future fixed date (provisionally January 1, 2016).

### **When will we remove it from the Public Register:**

Information will not be removed, unless the matter is successfully appealed and replaced with something other than a SCERP. There should also be a mechanism to give the member an opportunity to request removal after two years.

## C

### **Proposed By-Law Changes Related to Discipline Hearings:**

Currently, CASLPO is required to post information regarding matters referred from ICRC to the Discipline Committee, the date of the Discipline hearing as well as the decisions of the Discipline Committee. The proposed by-laws changes would result in additional information being posted.

7.1 In addition to the information set out in subsection 23 (2) of the Code, the Register shall contain the following information available to the public (subject to the requirements of the Code and to where the Registrar is satisfied that it would jeopardize the safety of any individual) with respect to each member:

7.1.6 For every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved,

7.1.6.1 a notation of that fact, including the date of the referral;

7.1.6.2 the notice of hearing;

7.1.6.3 a summary of each specified allegation; and

7.1.6.4 the status of the hearing

The revisions above includes the addition of 7.1.6.2 and the revision to 7.1.6.4 (formerly 7.1.6.3)

### **IN PLAIN LANGUAGE THIS MEANS:**

**We will post:**

The entire Notice of Hearing which sets out the allegations of professional misconduct or incompetence against a member, including the particular sections of the legislation that were allegedly contravened and a minimum statement of the facts that support the allegations. The Notice of Hearing also includes some information about the process of the hearing, such as what orders the Discipline Committee can make, where the hearing will take place, and disclosure obligations.

We will also post the status of hearings. The only information CASLPO currently publishes (as permitted by the by-laws) in regards to the status of hearings is the hearing dates. It is proposed that the existing by-law be amended to make it clear that the College will make public all information about the status of hearings, such as whether the hearing is awaiting scheduling, whether the hearing has occurred, whether the hearing has been adjourned with no further hearing date set, whether the decision is under reserve and whether the decision has been rendered but not yet published. CASLPO makes some of this information public already but an amendment to the existing by-laws will make it clear that the College can publish all of this information.

**When we will start posting:**

Immediately

**When we will remove it from the Public Register:**

Until it is replaced with the Decisions and Reasons