

Proposed Standards of Good Regulation for Professional Engineers Ontario

January 2019

This paper presents the Standards of Good Regulation that will form the basis of the commissioned external review of the regulatory performance of Professional Engineers Ontario (PEO). The standards span three regulatory functions:

- Licensing and registration (7 standards)
- Complaints, discipline, compliance and enforcement (11 standards)
- Professional standards (4 standards).

The purpose of the standards is to provide a benchmark against which regulatory performance can be assessed. Through the review, the PEO will need to provide evidence about how it meets the standards. Alongside policies and procedures that would meet a standard if applied properly, it will also be necessary to provide evidence that such policies and procedures are applied properly in practice and that they deliver outcomes that meet standards, through measurement of impact or outcomes.

The proposed standards, below, are derived from those published by the UK's Professional Standards Authority for Health and Social Care.¹ They have been amended and tailored to reflect the legislation, regulations and by-laws applying to PEO, specifically:

- Professional Engineers Act 1990
- Regulation 941 (last amended 1 July 2018)
- Regulation 260/08 Performance Standards (last amended July 2016)
- Professional Engineers Ontario By-law (last amended June 2018).

These standards have been revised following comments and feedback from PEO staff on 10 January 2019.

¹ Professional Standards Authority. 2016. Standards of good regulation. Available at: https://www.professionalstandards.org.uk/docs/default-source/publications/standards/standards-of-good-regulation.pdf?sfvrsn=e3577e20_6 (accessed 17 December 2018)

Licensing and registration	Comments and questions
<p>SCOPE: These standards will cover the following licensing categories:</p> <ul style="list-style-type: none"> • P.Eng licences (full licences) • Provisional licences • Limited licences • Temporary licences <p>plus certificates of authorization (CofA), engineering interns, and designation as Consulting Engineer. Where applicable this will reflect licences awarded to engineering technologists.</p>	
Standards	
<p>LR1. Only those who meet the regulator’s requirements are licensed or authorized.</p>	
<p>LR2. The licensing and authorization process, including the management of appeals (internal reviews and through the Registration Committee), is fair, based on the regulator’s standards, efficient, transparent, secure, and continuously improving.</p>	
<p>LR3. Academic requirements, experience requirements, the Professional Practice Examination, and good character requirements are linked to standards of practice. They prioritise the public interest and service provision centred on the needs of engineering clients. The process for reviewing or developing licensing and authorization requirements incorporates the views and experiences of key stakeholders and external events.</p>	
<p>LR4. Information on academic requirements, experience requirements, and other requirements for licensing, authorization and designation, is publicly available.</p>	<p>Note: I’ve added designation in here to capture Consulting Engineer</p>
<p>LR5. Through the regulator’s registers, everyone can easily access information about licence holders, CofA holders and Consulting Engineers, except in relation to their health, including whether there are restrictions on their practice.</p>	

<p>LR6. Employers and supervising engineers are aware of the importance of checking the status of licence holders and CofA holders. Clients and members of the public can find and check the status of licence holders and CofA holders.</p>	
<p>LR7. Through the regulator’s continuing professional development systems, licence holders and CofA holders maintain the standards required for competent practice.</p>	

<p>Complaints, discipline, compliance and enforcement</p>	<p>Comments and questions</p>
<p>SCOPE: These standards will cover:</p> <ul style="list-style-type: none"> • Complaints considered by to the Complaints Committee • Cases referred to the Discipline Committee • Enforcement cases about misuse of protected title • Registrar’s Investigations. <p>These standards will not cover the Fees Mediation Committee.</p>	
<p>Standards</p>	
<p>CDCE1. Anybody can raise a concern, including the regulator, about the conduct and competence of a licence holder or a CofA holder.</p>	
<p>CDCE2. Information about concerns regarding conduct and competence is shared by the regulator with employers/local arbitrators, and other regulators within the relevant legal frameworks.</p>	<p>Note: ‘relevant legal frameworks’ are those that permit or restrict sharing of information by PEO</p>
<p>CDCE3. Where necessary, the regulator will determine if a complaint has merit and if so, whether the conduct or competence of the licence holder or the CofA holder is impaired or, where appropriate, direct the complainant to another relevant organisation.</p>	

<p>CDCE4. All conduct and competence complaints are reviewed on receipt and serious cases are prioritised and where appropriate referred to an interim orders panel (or equivalent).</p>	<p>Note: 'or equivalent' refers to other means of taking swift action in the public interest, for example, when the Complaints Committee uses its power to take such action as it considers appropriate in the circumstances or when the Registrar takes 'such action is as reasonably necessary to serve or protect the public interest if informed of a situation that may endanger life, health, property or the public welfare'.</p>
<p>CDCE5. The complaints, discipline and enforcement processes are transparent, fair, proportionate and focused on serving and protecting the public interest.</p>	
<p>CDCE6. Risk of harm to the public and of damage to public confidence in the profession related to non-holders using a protected title or undertaking a protected act is managed in a proportionate and risk-based manner.</p>	
<p>CDCE7. Conduct and competence cases are dealt with as quickly as possible taking into account the complexity and type of case and the conduct of both sides. Delays do not result in harm or potential harm to engineering clients or the public. Where necessary the regulator protects the public by means of interim orders (or equivalent).</p>	<p>Note: as above.</p>
<p>CDCE8. All parties to a case (including the complainant) are kept updated on the progress of their case and supported to participate effectively in the process.</p>	
<p>CDCE9. All decisions made at the initial and final stages of the complaints and discipline process are well reasoned, consistent, and protect the public interest.</p>	
<p>CDCE10. All final decisions of the Complaints and Discipline Committees, apart from matters relating to the health of a licence holder or CofA holder, are published and communicated to relevant stakeholders, within the relevant legal frameworks.</p>	
<p>CDCE11. Information about complaints and discipline cases is securely retained.</p>	

Professional standards and guidelines	Comments and questions
<p>SCOPE: These standards cover practice guidelines, professional standards and other material developed by PEO to support the practice of professional engineering.</p>	
<p>Standards</p>	
<p>PSG1. Standards of practice and guidelines reflect up-to-date practice and legislation. They prioritise the public interest and service provision centred on the needs of engineering clients.</p>	
<p>PSG2. Additional guidance helps licence holders and CofA holders apply the regulator’s standards of practice to specific issues.</p>	
<p>PSG3. In development and revision of guidance and standards, the regulator takes account of stakeholders’ views and experiences, external events, developments in Canadian and international regulation and learning from other areas of the regulator’s work.</p>	
<p>PSG4. The standards and guidance are published in accessible formats. Licence holders and CofA holders, potential licence holders and potential CofA holders, employers, clients and members of the public are able to find the standards and guidance published by the regulator and can find out about the action that can be taken if the standards and guidance are not followed.</p>	