

Summary of findings, auditor recommendations and OPFA responses
in the Audit of OPFA Registration Practices
required under the
Ontario Fair Access to Regulated Professions Act

April 2010

As required by the above Act, OPFA retained the services of an auditor, approved by the Office of the Fairness Commissioner (OFC), to undertake an independent audit and report to the Commissioner. Although designated as a compliance audit of our compliance with the above Act, the audit followed an extensive template developed by the OFC. This format elicited auditor recommendations for possible improvement and regulator responses.

To reduce the resulting 110 page report ([available on request](#)) into a more digestible document, the "Regulated Profession's Response" repeated the auditor's recommendations, with some editing and inclusion of related auditor notes where needed for clarity. In a couple of cases, comments have been added in anticipation of possible further interest by the staff of the OFC or other readers of the document. To facilitate reading, The Auditor's summary findings (section D7) and a précis of detailed findings (section F) have been moved to the top as an Executive Summary:

D7: General Duties:

"The requirements for Membership are transparent, objective, impartial, and fair.

"The College is welcoming so long as it does not necessitate lowering the requirements. The Profession is small and people working in the field, including students and other potential members often know each other. The Registration Committee uses and expects staff and other members to use such knowledge to assist candidates in meeting the requirements.

"The willingness to help is communicated to all candidates encountering difficulty - transparent.

"The requirements to be met and the alternatives accepted are objective - none are waived.

"This assistance could be seen as practices that are not impartial as the support for all candidates is not equal and as the ability to assist will vary.

"So will the amount of effort expended; usually far greater for foreign trained candidates as they require more assistance, so candidates from accredited programs might see the process as unfair.

"Nonetheless, the practices are clearly to the advantage of each candidate."

F: Assessment of Compliance - Précis of findings:

All principle elements were rated as "Good", the highest rating among the OFC's specified terms.

Since the number of applicants in the specified audit period (July 3, 2008 – July 2, 2009) was too small to allow meaningful sampling, 100% of the cases were reviewed. The number of instances of a) non-compliance, b) material error or c) control deficiencies for each of the 9 specified areas were each 0 (zero).

Nonetheless, the Auditor found a few areas for suggested improvements; all response actions noted should be implemented within a year (by April 1, 2011) at the latest:

C1a - Recommendation: Registration information should be more easily identifiable on the home page. This should be considered if there are any future plans to reorganize the website. Items such as hyperlinks, to allow applicants easier access to other relevant information on the website.

Response: A review of the website structure has been initiated by the volunteer Committee that maintains it.

C1b - Recommendation: While the Registration Committee dates are posted on the web, the normal lead and follow up times are not posted. The website should include a time line for the expected time to process an application for prospective applicants.

Response: This information, normally communicated verbally to allow as much flexibility as we can for applicants, will be added to the website information.

C3a & C3b. Clearly set out the information for (Registration) review and appeals process on the membership application page of the website. The College relies on the fact that the Act is on the website and applicants read the Act.

Response: This information will be added to the website information once the by-laws establishing the procedures are official (see C4b).

C4b - Recommendation: None.

However, the current status of our registration appeal process (i.e. Act amended effective Dec, 2009; allowing appeal and procedures in by-laws) is noted.

Regulator's Comment - As we have no record of ever having an appeal or even a request for reconsideration, there seems to be little reason for concern about our interim arrangement: presuming the Fairness Act provides adequate authority for an independent internal appeal process until our revised by-laws are official, hopefully by the fall. We will be reviewing the planned by-laws with the OFC.

C5b - Recommendation: Make it clear to potential applicants that the College is open to discuss acceptable alternatives, provide candidates with examples that have been sufficient.

Response: This information, normally communicated verbally to allow as much flexibility as we can for applicants, will be added to the website information once a current project underway

jointly with counterparts in other provinces is complete (Effectively meeting FQR intent and allowing competency based "proof" of qualifications; target completion is by year-end). A common on-line handbook for internationally trained applicants and those from non-accredited Canadian University programs, is being developed which is expected to cover alternatives and offer examples.

C6a - Recommendation: WES (World Education Services) is not currently mentioned on the website, candidates who have sought membership are advised. The assessment of qualifications process should be clearly spelled out, links to WES and UofT (University of Toronto) services should be on the website.

Response: Either assessment of equivalency to a four-year, science-based, baccalaureate degree is acceptable. We will add reference to WES as well as U of T and arrange links.

C6b - Recommendation: No formal agreements or monitoring is in place (with WES or U of T). At the very least an informal meeting should take place in the near future by the Registrar or a member of the Registration committee and each of the third party assessors.

Response: WES & U of T are used only to assess level of degree, not content; thus their reputation and wide use have been viewed as sufficient. However, meetings will be held with each organization and the appropriateness of agreements explored.

C7a - Recommendation: A formal guideline and policy should be approved by the Board to ensure that registration committee members have the required qualifications. This will also assist in the decision making process when it is time to bring in a new committee member.

Response: As noted by the Auditor: OPFA is "In compliance, since the committee members appear to have industry experience and background to ascertain the qualifications of prospective members"; "The Selection of a Public Councillor to serve on the Committee from among the 5 appointed, also reflects similar elements. Currently, that post has been filled by the Environmental Science Officer of the Akwesasne Band (Hodenoshone)"; "The Committee has very low turnover. A new Committee Member will be provided with previous minutes, and a set of precedent decisions and a table of the scopes approved for Associate Members"; OPFA supported the development of a cultural sensitivity workshop through ORAC (Ontario Regulators for Access Consortium). The Registrar and Members of the Committee attended workshops in the first wave of offerings." That workshop is being developed in on-line format and will again be made available. Nonetheless, these arrangements will be recorded in a Policy for governing Council consideration.

C8 - Access to records - nil

D3 (Can the regulation process be streamlined?) - In Compliance, but - Recommendation: Electronic record keeping and database.

Response: - Having an appropriate database might have helped somewhat in this audit. The development cost and administrative time involved will be assessed against any possible benefits to applicants and the Regulator's processes.

D5 Does the regulated profession have a clear rationale for all non-exemptible registration requirements?

Audit Finding: All Registration criteria are considered necessary. In compliance.

Comment: The Certification Criteria were amended in 2008 after a 4-year project with the other professional forestry regulators in Canada involving all 8 University programs currently accredited and several others that have expressed interest. The project was supported partially by the Government of Canada (HRSDC) in connection with AIT implementation. The new standards are significantly competency-based, reflect input gathered by an extensive survey of over 300 stakeholders and are currently authorized in parallel to the old subject based academic standards that will disappear once current students have graduated and accumulated adequate experience to qualify for certification. These standards are the basis for the current pan-Canadian project noted above (C5b).