

Appendix B: Assessment Criteria

I. *Standards of Good Regulation as Adapted for RECA*

Guidance and standards

- Standards of competence and conduct reflect up to date practice and legislation. They prioritize public protection.
- Additional guidance helps licensees to apply RECA's standards of competence and conduct to specialist or specific issues including addressing diverse needs arising from public protection.
- In development and revision of guidance and standards, RECA takes account of stakeholders' views and experiences, external events and developments, international regulation and best practice, and learning from other areas of its work.
- The standards and guidance are published in accessible formats. Licensees, potential licensees, consumers and members of the public are able to find the standards and guidance published by RECA and can find out about the action that can be taken if the standards and guidance are not followed.

Authorizations: Licensing & Registration

- Only those who meet the relevant requirements are licensed.
- The licensing process, including the management of appeals, is fair, based on RECA's standards, efficient, timely, transparent, secure, and continuously improving.
- Through RECA's register, everyone can easily access information about licensees, except in relation to their health, including whether there are restrictions on their practice.
- Consumers, service users and members of the public can find and check a licensee's licensing, and are aware of the importance of doing so.
- Risk of harm to the public and of damage to public confidence in the profession related to unlicensed practice and non-licensees undertaking a protected act is managed in a proportionate and risk based manner.

Managing and Processing Complaints

- Anybody can make a complaint about a licensee.
- Where necessary the executive director (or delegate) can initiate an investigation without relying on the receipt of a complaint.
- Information about complaints is shared with other organizations within the relevant legal frameworks.

- RECA will investigate a complaint, determine if there is a case to answer and take appropriate action including the imposition of sanctions.
- All complaints are reviewed on receipt and serious cases are prioritized and where appropriate considered for an interim suspension.
- The complaints process is transparent, fair, timely, proportionate and focused on public protection.
- Complaints 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 consumers and service users. Where necessary RECA protects the public by means of interim suspension.
- All parties to a complaint are kept updated on the progress of their case and supported to participate effectively in the process.
- All decisions, at every stage of the process, are well reasoned, consistent, protect the public and maintain confidence in the profession.
- All final decisions, apart from matters relating to the health of a professional, are published and communicated to relevant stakeholders.
- Information about complaints is securely retained.

Hearings Administration

- Where appropriate, alternative methods that are proportionate are used to resolve a complaint prior to a hearing.
- Hearings are held 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 consumers and service users.
- The hearings process is transparent, fair, timely, proportionate and focused on public protection.
- Decisions and sanctions are well reasoned, consistent, protect the public and maintain confidence in the profession.
- Decisions are published and communicated to relevant stakeholders.
- Documentation relating to the hearings process is sufficient and retained.

Trust Assurance and Practice Review

- Documentation relating to the selection process for licensees subject to an assessment is sufficient and retained.
- Formal evaluation criteria exist for the selection of a practice reviewer.

- Practice review files contain sufficient information which supports the activities and goals of the Trust Assurance and Practice Review.
- The process for Trust Assurance and Practice Review is proportionate, timely and is focused on ensuring licensees meet RECA's standards.
- If the review process identifies potential trust shortages, immediate action is taken by RECA.
- Information on the Trust Assurance and Practice Review is publicly available.
- If the review process identifies concerns with record keeping or other practices, there is a process to bring those to the attention of the broker or individuals responsible to ensure future compliance.

Other Standards

- RECA communicates effectively with licensees, consumers, industry trade associations, government, regulators and other stakeholders.
- Public appointees and other public stakeholders are appropriately involved in the work of RECA.
- The roles and decision making powers of the executive director and hearing and appeal panels are clearly defined and support public protection.
- RECA ensures that all licensees remain up to date and fit to practice.

II. Regulatory Principles

- **Statutory compliance:** RECA complies with all relevant and applicable legislation, regulations, Rules and Bylaws.
- **Transparency:** RECA's processes are conducted in such a way that it is easy to see what actions are being taken to complete the process, why these actions are taken and what results from these actions.

Transparency encompasses the following:

- **Openness:** RECA has measures and structures in place that make it easy to see how the process operates.
- **Access:** RECA makes information easily available.
- **Clarity:** RECA ensures that information used to communicate is complete, accurate and easy to understand.

- **Objectivity:** RECA’s process and decisions are based on formal systems such as criteria, tools and procedures that have been repeatedly tested during their development, administration and review and have been found to be valid and reliable.

Objectivity of systems encompasses the following:

- Reliability: RECA ensures that the criteria, training, tools and procedures deliver consistent decision outcomes regardless of who makes the decision, when the decision is made and in whatever context the decision is made.
 - Validity: RECA ensures that the criteria, training, tools and procedures measure what they intend to.
- **Impartiality:** The position from which RECA undertakes processes and decisions is neutral. Neutrality occurs when actions or behaviours that may result in subjective assessments or decisions are mitigated. Impartiality may be achieved by ensuring that all sources of bias are identified and that steps are taken to address those biases.

Impartiality encompasses the following:

- Identification: RECA has systems to identify potential sources of bias in the assessment or decision-making process (for example, sources of conflict of interest, preconceived notions and lack of understanding of issues related to diversity).
 - Strategies: RECA has systems to address bias and enable neutrality during the assessment and decision-making process (for example, training policies that address conflict of interest, procedures to follow if bias is identified and using group deliberation and consensus strategies to come to decisions).
- **Fairness:** RECA demonstrates the following:
 - Substantive fairness: RECA ensures the fairness of the decision itself. The decision itself must be fair, and to be fair it must meet pre-determined and defensible criteria. The decision must be reasonable and the reasoning behind the decision must be understandable to the people affected.
 - Procedural fairness: RECA ensures the fairness of the decision-making process. There is a structure in place to ensure that fairness is embedded in the steps to be followed before, during and after decisions are made. This structure ensures that the process is timely and that individuals have equal opportunity to participate in the process.
 - Relational fairness: RECA ensures that people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.

- **Principles of “Right-Touch Regulation”:** RECA asks what risk it is trying to address, is proportionate and targeted in regulating that risk or finds ways other than regulation to address the risk. RECA uses the minimum regulatory force required to achieve the desired result. More specifically:
 - **Proportionality:** RECA only intervenes when necessary or required. Remedies are appropriate to the risk posed and costs are identified and minimized.
 - **Consistency:** RECA’s rules and standards are characterized by coordination and coherence of thought, are integrated and are implemented fairly.
 - **Targeted approach:** RECA’s remedies are focused on an identified problem and minimize side effects.
 - **Transparency:** RECA is open and keeps regulations simple and user friendly.
 - **Accountability:** RECA is able to justify its decisions and capable of being subject to public scrutiny.
 - **Agility:** RECA looks forward and is able to adapt to anticipated change. RECA foresees changes that are going to occur in the industry, anticipates the risks that will arise as a result of those changes and takes timely action to mitigate those risks.
- **Organizational capacity:** RECA has the resources - human, material, financial, information, and intellectual - to carry out its role and functions.