Session 2: Lessons from the evolution of competence based approaches to regulatory function

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Competence-based Approaches and Professional Regulation: A Balancing Act

Presentation by Me André Gariépy, Commissioner, at the World Health Professions Regulation Conference
Geneva, Switzerland, 18 May 2014

Commissaire aux plaintes en matière de reconnaissance des compétences professionnelles
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The Office of Commissioner
The Office of Commissioner

• Created in response to recommendations from *The Inquiry Commission on Diversity and Integration in Québec* (Bouchard-Taylor Commission, 2007-2008)
• Bill passed at the end of 2009 by the National Assembly of Québec
The Office of Commissioner (cont.)

- An oversight entity granted independence and wide investigation powers
- Specialized in the registration process and the recognition of professional competence
- Administratively attached to the Office of the Professions, an agency which already has oversight functions over the 45 professional regulatory bodies
Functions-Mandate

1. Receive and examine individual complaints concerning the recognition of competence by the regulatory bodies

2. Verify the mechanisms for recognition of competence (in a more systemic way compared to case-by-case)

3. Monitor the collaboration between the education and the professional systems (re: bridging programs and internships)
Functions-Mandate (cont.)

- Also responsible for overseeing the implementation by regulatory bodies of their obligations under applicable trade, mobility and mutual recognition agreements
Types of analysis

1. Conformity
   - Laws, regulation, policies

2. Critical analysis
   - Question the legal framework and policies
     • If unexpected and undesirable outcomes
     • If unreasonable and unfair
   - Principles and good practices in the field of recognition of professional competence
What is under scrutiny

- Administration
  - Resources (types and level, competencies)
  - Work organisation
- Methods
  - Assessment and evaluation
  - Standards
- Procedure
Principles Guiding the Critical Analysis

• Equality
• Fairness
  - Procedural
  - Substantive
  - Relational
• Objectivity
• Transparency
• Openness

• Consistency
• Effectiveness
• Efficiency
• Reasonableness
• Accountability
• Ongoing improvement
Regulatory Framework : A Balancing Act
Regulatory Framework

• Objectives of regulation
  – Public safety and protection
  – Quality of services
Regulatory Framework (cont.)

• Competing policy issues impacting professional regulatory framework
  – Public protection
  – Social justice
  – Democracy (level of autonomy and accountability)
  – Demographics and labour market
  – State delivery of services (ex.: health)
  – Trade liberalization, mobility, and globalization
  – Economic development
  – Education and training
  – Immigration
• Governments are more involved in the public interest debate over regulation
  – More accountability, oversight and intervention
• Balancing act between the competing policy issues
  – Determining the need for regulation and the design of the framework
  – Setting the entry-to-practice requirements (minimum, optimum, maximum)
Competence – based Approaches
Competence-based Approaches

• Moving beyond the traditional diploma (credits and topics) approach
• New ways to demonstrate your competence
• New understanding
  – Knowledge and skills involved in a profession
  – Through analysis of the practice and its context
  – Useful for training, regulation, registration, qualifications recognition, continuing education
    • Coherence
Competence-based Approaches (cont.)

• Qualities for better regulation and registration
  – Precision
  – Transparency
  – Comprehensiveness
  – Coherence
  – Sufficient neutrality for international profiles comparison
Issues with Competence-based Approaches
Issues

• Qualities at risk of becoming a disadvantage
  – Too much precision and comprehensiveness
    • One could get carried away with the methodology
    • The compulsion toward the ultimate tool and process
  • Bringing to light new skills and stating the relative importance of skills
    – Technical, non-technical, communication, cultural, “soft” skills, etc.
    – Linkage between skills and a real public protection issue
    – Possible overstatement of the importance of some skills (ex.: organizational context)
Issues (cont.)

• Qualities at risk of becoming a disadvantage (cont.)
  – Elaborate or sophisticated systems
    • The mirage of technology
    • The mirage of self-declared simplification
    • The technical and financial aspects may generate cumulative tinkering of the principles and objectives of a registration/qualifications recognition process, or of the experience of applicants
Issues (cont.)

• Qualities at risk of becoming a disadvantage (cont.)
  – Costs!
  – Barriers to qualifications recognition embedded in the competency profile and the assessment method
    • Justification and fairness of requirements, assessment, and additional training
Issues (cont.)

• Role of third parties
  – Involved in the analysis and the implementation of the competency approach
    • Expertise and capacity
  – Vested with responsibilities in the assessment and professional registration process
    • Issues of legal standing, governance, responsibilities and oversight
    • Accountability to regulatory bodies and governments
Issues (cont.)

• Not all jurisdictions are using the competency-based approaches
  – How can we relate to these jurisdictions in fairness?
• The education system is not always on board in implementing competency-based approaches for a profession
• Possible disconnect between the gap training needs and the training offerings
Words of Advice for Regulators

From a Commissioner’s perspective
Words of advice

• Think about why you do it
  – The purpose: regulation
    • What are we describing?
    • The profession as we see it or as it is?
    • Or, the safe entry-level competencies?
  – Avoid replicating what others are doing
  – Integrate in your process the balancing act between competing policy issues
    • But be true to the regulation purpose
Words of advice (cont.)

- Don’t let others tell the story of your profession
  - Competency-based is a methodology at your service, not the other way around
  - Get involved in the thinking and the design
  - Make some reality checks along the way
  - Make sure you understand the methodology and the tools you’ll be using afterward
Words of advice (cont.)

• Maintain the ability to use other approaches, or translate your competency-based tools into other approaches
  – For qualifications recognition in the registration process
  – Ex.: Traditional diploma (topics and credits) approach
Words of advice (cont.)

• Be constantly aware of the possible adverse effects
  – Are we doing too much?
• Stay in control of your standards and of the third parties acting on your behalf
Words of advice (cont.)

Principles worth keeping in mind:

- Equality
- Fairness  
  - Procedural
  - Substantive
  - Relational
- Objectivity
- Transparency
- Openness

- Consistency
- Effectiveness
- Efficiency
- Reasonableness
- Accountability
- Ongoing improvement
Thank you!
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