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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 M^e André Gariépy, Commissioner,
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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

Regulatory Framework (cont.)

- 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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