

# Oversight through Performance Measures

1

Erica Richler  
Richard Steinecke

January 21, 2021

# Before We Begin...

2

- If listening by phone:
  - Phone access (Toronto): (647) 497-7729, PIN: 789541367#  
Phone access (Calgary): (587) 774-1365, PIN: 789541367#
- If listening via Internet and having trouble hearing, try disconnecting and connecting again
- Still having trouble hearing? Email our IT consultant for assistance: [achomatas@ace-its.ca](mailto:achomatas@ace-its.ca)
- Feel free to send questions to us during the session using the CHAT feature, or email us afterwards:
  - [erichler@sml-law.com](mailto:erichler@sml-law.com)
  - [rsteinecke@sml-law.com](mailto:rsteinecke@sml-law.com)

# Introduction

3

- College Performance Measurement Framework (CPMF) introduced December 2020
- Unique approach to oversight of health regulators in Ontario

# Context – Oversight Reform in Canada 2020

4

- Proposals for change have called for increased accountability and oversight
  - British Columbia
  - Quebec
  - Alberta

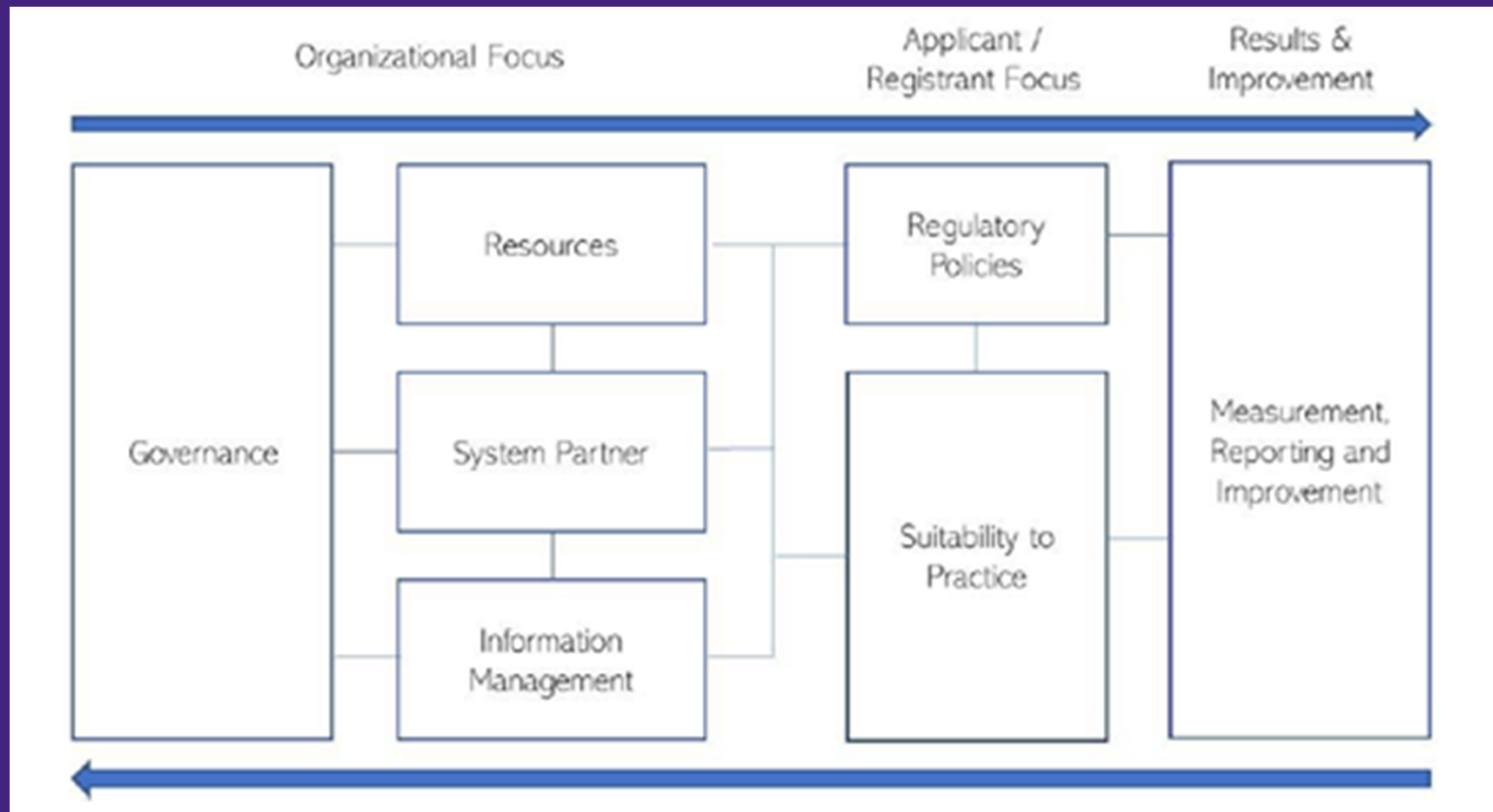
# Concept

5

- What is the CPMF?
  - 50 page tool completed annually by each College
  - 15 standards spread over 7 “domains”
  - College response: complete, partial or no fulfillment
  - Published by each College
  - Reviewed and summarized by Ministry

# Concept - Domains

6



# Concept - Standards

7

- **Standard 1 - Council and statutory committee members have the knowledge, skills, and commitment needed to effectively execute their fiduciary role and responsibilities pertaining to the mandate of the College.**
- **Standard 2 - Council decisions are made in the public interest.**
- **Standard 3 - The College acts to foster public trust through transparency about decisions made and actions taken.**

# Concept - Standards

8

- Standard 4 - The College is a responsible steward of its (financial and human) resources.
- Standard 5 - The College actively engages with other health regulatory Colleges and system partners to align oversight of the practice of the profession and support execution of its mandate.
- Standard 6 - The College maintains cooperative and collaborative relationships to ensure it is responsive to changing public expectations.



# Concept - Standards

9

- Standard 7 - The College responds in a timely and effective manner to changing public expectations.
- Standard 8 - Information collected by the College is protected from unauthorized disclosure.
- Standard 9 - Policies, standards of practice, and practice guidelines are based in the best available evidence, reflect current best practices, are aligned with changing public expectations, and where appropriate aligned with other Colleges.

# Concept - Standards

10

- Standard 10 - The College has processes and procedures in place to assess the competency, safety, and ethics of the people it registers.
- Standard 11 - The College ensures the continued competence of all active registrants through its Quality Assurance processes. This includes an assessment of their competency, professionalism, ethical practice, and quality of care.
- Standard 12 - The complaints process is accessible and supportive.

# Concept - Standards

11

- Standard 13 - All complaints, reports, and investigations are prioritized based on public risk, and conducted in a timely manner with necessary actions to protect the public.
- Standard 14 - The College complaints process is coordinated and integrated.
- Standard 15 - The College monitors, reports on, and improves its performance.

# Concept – Measures and Evidence

12

- Colleges indicate whether they meet standards through measures and evidence
- Example: Measure 13.1:
  - “The College addresses complaints in a right touch manner.”
- Proposed evidence:
  - The College has accessible, up-to-date, documented guidance setting out the framework for assessing risk and acting on complaints, including the prioritization of investigations, complaints, and reports (e.g. risk matrix, decision matrix/tree, triage protocol).
- Regulator assesses fulfillment in whole or in part

# Concept – Measures and Evidence

13

- Standards 5, 6 and 7 do not have specific measures or evidence because “no best practice” for how to be system partner
- Example:
  - Standard 7 (on responding to public expectations) has no measurement statements and requests “a narrative that highlights their organization’s best practices”

# Concept – Measures and Evidence

14

- Some standards with measurement statements are difficult to quantify
- Example: Measure 9.1 re policy development:
  - Requires up to date and relevant policies, standards, guidelines
  - Evidence is all process orientated (e.g., each policy is reviewed for risk, alignment with other Colleges, etc.)

# Concept – Criticism

15

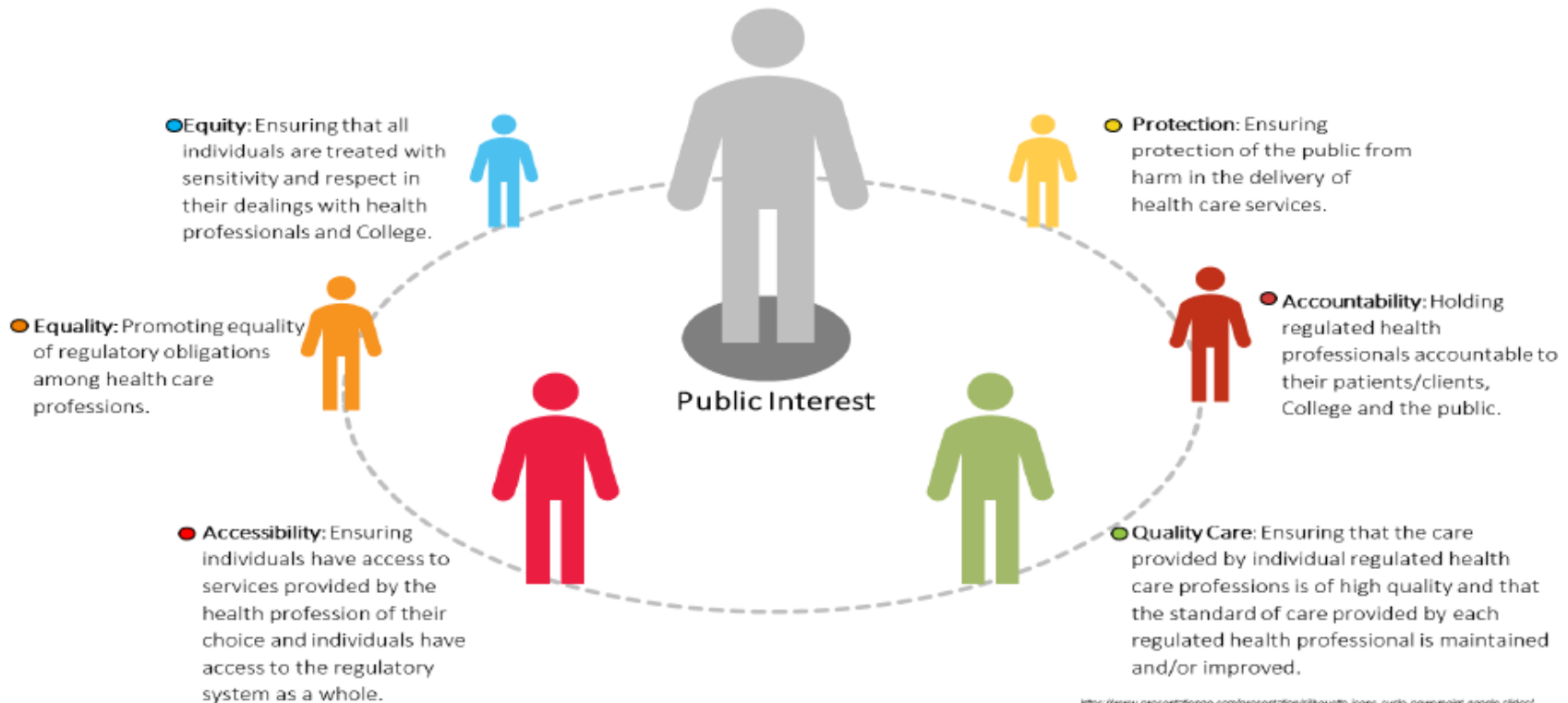
- Skepticism about the CPMF because it focusses on process and not outcome (Harry Cayton)
  - Also says that the CPMF is an important step
- How do you measure outcomes of regulatory activities?
- Standard 15 requires regulators to identify Key Performance Indicators
- Ministry acknowledges no current benchmarks for regulatory excellence

# Concept – Public Interest

16

## PUBLIC INTEREST

in the context of the College Performance Measurement Framework





# Process for Developing

17

- Ministry working group
- Circulated drafts
- Presentations to College Councils and others
- Private feedback from interested observers
- Delayed by pandemic
- Published December 2020
  - Not available online
- 2020 is the first reporting cycle

# What Will be Done with the Information?

18

- Publication by regulators
- Summary report by Ministry
  - Factual
  - No rankings
  - Informal discussions with individual regulators
  - Develop benchmarks
  - Develop indicators of regulatory excellence
- Annual repetition will allow comparisons and reporting of progress
- Data analysis (like AHPRA)

# Observations

19

## New expectations:

- Competency-based selection
- Executive Committee transparency
- Annual COI questionnaires
- Cooling off periods
- Currency requirement
- Documented decision trees / risk matrix
- Disclosure of concerns to system partners
- Key Performance Indicators
- Documentation of policy making considerations
- Communications of changes to policies

# Observations

20

- Opportunities to focus on identified expectations
- Mixed signals
  - “Processes are in place to ensure that only those who meet the registration requirements receive a certificate to practice” vs. Office of the Fairness Commissioner alternative options
- Substitute for external, independent oversight agency
- Data gathering work for regulators
  - E.g., how long it takes to respond to each inquiry from public
- Some variability in reporting
  - E.g., responding to 90% of inquires from the public in five days
- Expect document to evolve

# Conclusion and Questions

21



# Thank You

22

Erica Richler  
Richard Steinecke

Steinecke Maciura LeBlanc  
Barristers & Solicitors  
401 Bay St., Suite 2308  
[www.sml-law.com](http://www.sml-law.com)

Blog: [sml-law.com/blog-regulation-pro/](http://sml-law.com/blog-regulation-pro/)

 @SMLLawToronto