

Determining a Member's Suitability to Practise

Approved by: Council

Date: May 11 2017

1. Adoption of Policy

1.1 This policy shall take effect on May 11, 2017.

2. Background

2.1 This policy relates to CRPO by-law article 21.08: Additional Register Information, which states that the public register shall contain:

(xviii) A summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the member in provincial or federal offence processes, of which the College is aware and the Registrar believes are relevant to the member's suitability to practise;

(xxii) where a member has been charged with an offence under the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act* that the Registrar believes is relevant to the member's suitability to practise, and the charge is outstanding and is known to the College, the fact and content of the charge and, where known to the College, the date and place of the charge.

2.2 The Registrar shall decide whether the information in question is relevant to a member's suitability to practise, and accordingly whether or not it shall be noted on the public register. This policy sets out certain considerations that, to the extent possible, shall guide the Registrar's use of discretion in determining which information may be deemed relevant to the safe and competent practice of psychotherapy.

2.3 The purpose of this policy is therefore to provide clarity and transparency regarding the determination of whether a criminal charge or condition of custody or release is relevant to a member's suitability to practise the profession.

3. Suitability to Practise: Considerations

3.1 The mandate of the College is to regulate Registered Psychotherapists (RPs) in the public interest, striving to ensure that practitioners are competent, ethical and accountable. All members of CRPO are expected to practise safely, professionally and ethically, and to abide by standards of professional conduct. The *Code of Ethics* reminds members of their ongoing obligations and of their responsibilities as community members and citizens. As such, any conduct that blatantly breaches these ethical standards would be of heightened concern.

Conduct of this nature could include, but is not limited to:

- Conduct involving dishonesty or a breach of the public's trust, including sexual misconduct.
- Disruptive, rude or disrespectful behaviour towards clients or other health care professionals.
- Neglecting professional obligations.
- Providing services that are not in the client's best interest

- Recommending unnecessary treatment or services for personal financial gain.
- Acts of violence.

3.2 The Registrar will determine relevance to suitability to practise by considering the following factors:

- Whether the offence is alleged to have occurred while practising the profession of psychotherapy;
- Whether there is any connection to the profession such that it would bring disgrace and dishonour to it;
- Whether the offence put an individual or the public at risk;
- Whether the offence is part of a pattern of behaviour or an isolated event;
- Whether the offence can be seen to present a risk to people in the practice setting of the member; and
- Whether the offence suggests discrimination, disregard or disrespect for people based on a ground protected by the Human Rights Code (race, colour, ancestry, creed (religion), place of origin, ethnic origin, citizenship, sex (including pregnancy, gender identity), sexual orientation, age, marital status, family status, disability, receipt of public assistance)

There may be other factors not listed above that will be considered relevant in individual circumstances.

3.3 The nature and seriousness of the offence will be taken into account when considering the above factors. For example, in Canada, criminal offences are divided into indictable, summary or hybrid. Indictable offences are more serious crimes and generally bring more serious penalties. Summary offences are less serious crimes and generally carry lighter penalties (e.g. smaller fines or less jail time). Regardless of whether an offence is indictable, summary or hybrid, the information and circumstances of each case will be considered to determine relevance to suitability to practise.

3.4 Regarding conditions of custody or release, the following is a non-exhaustive list of categories that are likely to be relevant to suitability to practise:

- Conditions explicitly referring to the member's practice;
- Conditions regarding travel or physical presence that could impact the member's practice, including time-based conditions; and
- Avoidance of specific groups of people.

3.5 In applying the criteria, the Registrar will assess the available information and make a determination as to whether the particular information is relevant to the member's ability to practise safely and ethically. If the information raises no apparent concerns, the Registrar may determine that the information not be published on the CRPO public register.

4. Suitability to Practise: Review Process & posting of charges or conditions of custody or release

4.1 The Registrar will consider the information outlined above in determining relevance to a member's suitability to practise, and may follow up with the member or third parties seeking further information.

4.2 CRPO will obtain relevant court filings relating to any charges or conditions of custody or release.

4.3 If a criminal charge or condition of custody or release appears to be relevant to a Member's suitability to practise, CRPO will provide notice to the member that it intends to post the information and an opportunity to respond. If the member provides a response within the allotted timeframe, the Registrar will consider the member's response before making a final decision. If the member fails to respond within the allotted timeframe or the Registrar nonetheless concludes that the information is relevant to the member's suitability to practise, a notation will appear on the public register. The College

will provide the member with notification of the posting. Conversely, if the Registrar determines that the information does not impact suitability to practise, then the information will not appear on the public register.

4.4 The College will include a notation on the public register specifying that a charge may be withdrawn by the police or that an individual may be found not guilty in a court proceeding.

4.5 Information may not be posted if it would or could identify a victim, particularly a victim of abuse, including sexual abuse or other innocent party. Accordingly, the College reserves the right to limit and withhold the content it publishes on the register relating to criminal charges or conditions of custody or release.

4.6 If a charge has been withdrawn, a finding has been made in a court proceeding, or conditions of custody or release are no longer in effect, the College will remove any notation from the public register no more than **10 (ten) business days** after being satisfied that the charge or condition of custody or release is no longer outstanding.

5. Potential Changes to Policy

5.1 This policy will be monitored on an ongoing basis and will be subject to revision or cancellation at any time if approved through Council vote.