



Registration Committee
Practice and Procedure Manual
For Review Decisions

v.2

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Procedures for Conducting a Review of Registration Decisions

Purpose

This document establishes the policies and procedures of the Registration Committee when conducting a review of a decision by the Registrar to refuse registration to an Applicant.

These policies include provisions for:

- (a) promoting fairness in all review practices,
- (b) eliminating bias, and the
- (c) constitution of the reviewing panel,
- (d) procedures for conducting the review, and
- (e) selection of the type of hearing to be held.

The *Social Workers Act* provides for applicants who have been refused registration to receive written reasons for the decision to refuse registration and the right to request a review of the decision.

An Applicant who is refused registration by the Registrar may seek to have this decision reviewed by the Registration Committee. If the Applicant is not satisfied with the review decision of the Registration Committee, the applicant may apply for an review of the decision of the Registration Committee by the Registration Appeals Committee.,

Review by Registration Committee

Section 14 of the *Social Workers Act* makes provisions for an Applicant to seek a review if the Registrar reaches the decision to refuse registration under section 13 of the Act. An Applicant has the right to seek a review of this decision within 30 days of notification by applying in writing to the Registration Committee.

Grounds for review

An application for a review of a decision to refuse registration may be made on one or both of the following grounds:

- (a) The Applicant believes that the Registrar's decision is incorrect and the reasons given to refuse registration are refutable.

- (b) The Applicant believes that procedural irregularities have occurred and/or unfair bias exists in the application processes that were applied to determine the outcome to refuse registration.

Delivery of notice

The Registrar will mail a copy of the decision to refuse registration:

- a) To the address provided by the Applicant on the application form, or
- b) To a different address if the Applicant has notified the College in writing of a change of address.
- c) By traceable mail, or
- d) If authorized by an Applicant, the Registrar may deliver notice by email to the email address provided by the Applicant and a copy of the sent email will be deemed notice of delivery.

In the event that notice of change of address is received after the Registrar has made and mailed a decision to an Applicant, the Registrar will produce and mail a second copy of the decision to the Applicant.

The Applicant will be informed of their right to seek a review of the decision to refuse registration by the Registrar as part of this notice.

Submitting an application for review

An Applicant who has been refused registration may request a review of a decision of the Registrar by writing to the Registration Committee. The Act requires that the person must make application for review within 30 days of receiving notice of the Registrar's decision:

- a) The 30 day period for an Applicant to elect to seek a review will start upon the receipt of notice.
- b) An application for a review must be post marked not later than 40 calendar days from the date on which the decision of the Registrar was mailed or emailed to the Applicant.
- c) The Registrar will confirm receipt of the application for review by writing to the Applicant.

Special circumstance

The *Social Workers Act* provides for the Committee to extend the time, if the 30 day deadline has expired and *special circumstance* exist.

In considering an extension to the 30 day deadline, the Committee shall define *special circumstance* as:

- a) The Applicant was under the care of a medical practitioner or other health care professional and the nature of the care was such that the Applicant was unable to file notice.
- b) The Applicant was detained or otherwise incarcerated.
- c) A similar situation to subsection (a) or (b) and the Applicant can provide evidence satisfactory to the Registration Committee of their inability to make application for review within the assigned deadline.
- d) A decision of the Committee to reject evidence of special circumstance is final.

The Review Process

Constitution of the Review Panel

The Review Panel shall not include the Registrar or any other member of College staff who has had any involvement in the determination of the outcome of the original application and decision to refuse registration.

The Registration Committee may act as a panel to review an application for review of a decision made by the Registrar.

Practice for conducting the review

- a) The Registrar, upon receiving a request for review from an Applicant, will notify the Chair of the Registration Committee.
- b) In addition to the request for review made by the Applicant, the Registrar will provide to the Chair a copy of the reasons to refuse registration and the notice provided to the Applicant.
- c) The Registrar must also provide any additional evidence submitted by the Applicant and any other relevant documentation.
- d) The Chair of the Committee may determine whether the committee will sit as a whole to consider the request for a review or may canvass the members of the Committee for the purpose of establishing a panel after considering the request for a review and the notice to refuse registration.
- e) The Chair may determine the type of hearing with reference to section 14 of the *Social Workers Act* with due consideration to any preference of the Applicant.
- f) The Chair of the Committee may determine that the matter be considered by a panel or those persons appointed to the Registration Committee by the Board who are available.
- g) Whenever possible, a panel will include a public member, if a public member is appointed to the Committee.
- h) No Panel will have less than three members of the Committee.

Determination of hearing type

Section 14 of the *Social Workers Act* states that the Registration Committee may hold any combination of written, electronic and oral hearings:

- a) Except in extra ordinary circumstances, a review of a decision made by the Registrar to refuse an application will *normally* be conducted through written and electronic means.
- b) A review by the Committee will be a review of the record and will include any submissions made by an Applicant under section 14(5).
- c) An Applicant may request an oral hearing by writing to the Registration Committee by delivering the request to the Registrar and the Registrar must provide the request to the Chair of the Registration Committee.
- d) An Applicant making a request for an oral hearing must provide evidence satisfactory to the Registration Committee that they may be prejudiced by a hearing that is not an oral hearing and that an oral hearing will result in a process that is transparent, objective, impartial and fair.
- e) The Chair of the Committee will consider the requests for the combination of hearings including oral, written and electronic when determining whether that matter will be heard by an appointed panel or by the Committee as a whole.

Decision of Committee

The review of the Registrar's decision to refuse an Applicant registration is to be conducted under Section 14(5) of the *Social Workers Act* which provides for the following outcomes following a review:

- (14)(5) After giving the applicant an opportunity to make submissions, the Registration Committee may
- (a) confirm the decision of the Registrar to refuse registration,
 - (b) grant registration, or
 - (c) grant registration that
 - (i) is for a limited period,
 - (ii) requires the applicant to undergo additional training, education or testing,
 - (iii) attaches terms and conditions to a grant of registration, or
 - (iv) is for a class of registration that is different from the class of registration for which the applicant applied.
- (6) The registration committee must provide written reasons to the applicant for a decision made under subsection (5).

In making a decision on a review, the Committee must only consider the qualifications required for registration as described by bylaw as required by section 9(1)(h) of the Act.

Delivery of outcome of review to the Applicant

The College will mail the reason for the review decision to:

- a) The address provided by the Applicant on the application form for review, or
- b) A different address if the Applicant has notified the College in writing of a change of address.
- c) The notice must be sent by traceable mail or,
- d) If authorized by an Applicant, the College may deliver notice by email to the email address provided by the Applicant and a copy of the sent email will be deemed as the notice of delivery.

The Applicant will be informed of their right to seek a review of the decision of the Registration Committee by writing to the Registration Appeals Committee as provided for under section 15 of the *Social Workers Act*.