



COTNS
POLICIES & PROCEDURES

DATE APPROVED: Draft June 2014

DATE FOR REVIEW: June 2017

CATEGORY: REGISTRATION

AUTHORITY: OT Act 25 (c)
Registration Regulation 26

POLICY TITLE: Good Conduct

Principles:

Applicants are expected to adhere to values shared by society and the profession and to not have demonstrated conduct that would make them unsuitable to practise. The purpose of the good character requirement includes the protection of the public, the maintenance of high ethical standards, and the maintenance of public confidence in the profession.

Policy:

1. The applicant must provide evidence as to whether he or she has been found guilty of any offence arising in any jurisdiction, including,
 - i. any criminal offence, or
 - ii. any offence relating to the practice of occupational therapy.
2. Where the applicant has been registered or licensed in occupational therapy or another profession in another jurisdiction, the applicant must provide evidence as to whether he or she has been the subject of a finding of professional misconduct, incompetence or incapacity or a similar finding.
3. Where the applicant is registered in occupational therapy or another profession in another jurisdiction, the applicant must provide evidence as to whether he or she is the subject of any current professional misconduct, incompetence or incapacity proceeding or a similar proceeding.
4. Nothing in the applicant's previous conduct affords reasonable grounds for the belief that he or she will not practise occupational therapy safely and ethically.

Any applicant whose previous conduct affords reasonable grounds for the belief that he or she will not practice occupational therapy safely and ethically may be referred to the Credentials Committee for a conduct review. The applicant will be asked to submit a written explanation to the Committee for their consideration.

In making its decision, the Committee will consider any relevant factors, including such factors as:

- The strength of the evidence that the individual engaged in the conduct
- Whether the individual made an error in judgment
- Whether there were mitigating circumstances
- The nature, duration and frequency of the conduct, including such things as the degree of dishonesty or breach of trust, the motivation of the individual, whether the conduct was isolate or repeated, any concealment of the conduct, etc
- The attitude or remorse expressed by the individual regarding the conduct
- Any consequences already suffered by the individuals for the conduct
- Any potential risk to the public posed by the conduct
- Any undertaking with the College agreed to by the individual
- Rehabilitative efforts taken and the success of such efforts
- The applicant's conduct since the proven misconduct
- External verification of remorse

An Applicant May Meet the Good Conduct Requirement by:

Providing sufficient evidence to the College that the previous conduct will not prevent them from practising occupational therapy safely and ethically, specifically, the applicant may be required to:

1. Respond in writing to any allegations of poor conduct and provide evidence that he or she is able to practise occupational therapy safely and ethically.
2. Sign a self-declaration that indicates that he or she will practice occupational therapy safely and ethically and, if applicable
 - a. indicate on the self-declaration any offences of which he or she has been found guilty, findings of professional misconduct, incompetence or incapacity;
 - b. provide police or other records relevant to the information on the self-declaration for consideration by the Credentials Committee; and
 - c. have these considered by the Committee, and have the Committee determine whether or not they afford reasonable grounds for the belief that the applicant will not practice occupational therapy safely and ethically.
3. Enter into an Undertaking with the College, the terms of which may include such things as:
 - a. requiring the applicant to submit a letter of explanation and apology to the College for the conduct;
 - b. requiring the applicant to successfully complete additional training specified by the panel

Committee Review:

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- Any undertaking with the College agreed to by the individual
- Rehabilitative efforts taken and the success of such efforts
- The applicant's conduct since the proven misconduct
- External verification of remorse

Possible Outcomes:

1. Determine that the evidence provided does not render the applicant unsuitable to practise, and therefore deem that the applicant has met the good conduct requirement; or
2. Determine that, given the evidence provided, the applicant should be granted a certificate of registration if Terms, Conditions or Limitations are imposed on his or her Certificate of Registration to protect public safety; or
3. Determine that, given the evidence provided, the applicant should be granted a Certificate of Registration if the applicant successfully completes additional training specified by the panel; or
4. Determine that, given the evidence provided, the applicant has demonstrated conduct which affords reasonable grounds for the belief that the applicant will not practice occupational therapy safely and ethically. In such a case, the applicant does not meet the good conduct requirement, and the Committee would direct the Registrar to deny the applicant a Certificate of Registration.