



THE ASSOCIATION OF
COUNSELLING THERAPY
OF ALBERTA

Precursor to the College of
Counselling Therapy of Alberta

Protecting the Public, Together

Good Character Policy

Passed March 20, 2020

Reviewed April, 2024

References:

This policy is based on information from the following:

- Ontario and Manitoba Fairness Commissioner Websites
- Professional Standards Authority website
- ACTA Bylaw and Policies
- *Health Professions Act* of Alberta
- *Fair Registration Practices Act* of Alberta
- College of Registered Psychotherapists of Ontario
- College of Respiratory Therapists of Ontario (identified as an exemplary practice for good character policy by the Ontario Fairness Commissioner)

Principles:

The principles of right-touch regulation from the Professional Standards Authority are foundational to the Association of Counselling Therapy of Alberta's policies and practices. There are eight elements that sit at the heart of right-touch regulation:

- Identify the problem before the solution
- Quantify and qualify the risks
- Get as close to the problem as possible
- Focus on the outcome
- Use regulation only when necessary
- Keep it simple
- Check for unintended consequences

- Review and respond to change.

The principles of the *Fair Registrations Practices Act* are also foundational to ACTA's policies. This Act requires regulators to be transparent, objective, impartial and fair with their registration practices. Although ACTA is not a regulator and not subject to this Act, alignment with these requirements will demonstrate best practices and readiness to become a regulatory college.

Purpose of the policy:

This policy intends to establish fair practices that are objectively and consistently applied and transparently communicated to the public, potential applicants and those impacted.

This policy outlines the criteria that ACTA may use to determine if the information reported by an applicant related to their conduct and character is relevant to the applicant's suitability to practice.

Authority:

ACTA is not a regulatory college under the HPA and does not have the same responsibilities and authorities afforded to regulatory colleges. However, since the intention is for ACTA to support the regulation of counsellors, ACTA's policies will be as consistent with a College as possible.

ACTA is accepting applicants who qualify under the Intermediate Route This route focuses mainly on the applicant's credentials, although ACTA requests character information in line with regulatory policies.

Where the conduct information leads to questions about the applicant's character, these cases will be deferred to the regulatory college once proclaimed so the regulatory body can further investigate into the applicant's conduct or character issue(s).

Application of terms, limits and conditions on a member is one tool that regulatory colleges use to admit and monitor members with conduct or character issues. ACTA does not have such authority to apply terms, limits or conditions to applicants. Any applicant who may require terms, limits or conditions on their membership and licensure will be deferred to the regulatory college.

ACTA has delegated registration decisions to the Registrar. The Registrar may consult with the Registration Committee on particular situations where additional perspectives may be required.

As ACTA does not make final determinations regarding entrance into the regulatory college, only deferrals to the intermediate route, there is no appeal mechanism for decisions made under this policy.

For current members of ACTA: It is a requirement that all members of ACTA advise the Registrar of any changes to the questions they answered about character in their application to ACTA, and provide full information regarding the change, and as requested by the Registrar. Upon review of the information the Registrar may suspend the member's registration until a later date or until the College is open, or recommend expelling to the ACTA Board. A fee may be charged for reinstatement of membership if suspended. Expelled members must reapply to the College.

Background:

A central purpose of good character requirements is to ensure that those admitted to the profession will uphold the type of relationships with clients and the public that underpin its effective and safe practice.

An applicant's previous conduct must afford reasonable grounds for the belief that they will practice counselling therapy in a safe and professional manner. Applicants are required to disclose a variety of information about their past conduct, including findings of guilt for any criminal offence, current or past proceedings for professional misconduct, and current and past registration with any regulatory body.

There are four key elements which form a basis on which good character can be approached. These are whether an applicant has acted, or there is reason to believe they are liable in future to act:

- (i) in such a way that puts at risk the health, safety or well-being of a patient or other member of the public
- (ii) in such a way that his/her registration would undermine public confidence in the profession
- (iii) in such a way that indicates an unwillingness to act in accordance with the standards of the profession
- (iv) in a dishonest manner.

When it comes to making a judgement on good character, ACTA can only affirm that, given the evidence available, it is not aware of any factor that would call into question the good character of the applicant. ACTA cannot assure that an individual possesses particular traits, only that given the evidence available, it is not reasonable to believe the individual lacks them.

Policy Statements:

1. Definition: Good character is a dynamic concept that changes over time as individuals and societies change. It means that, given what ACTA knows, would a reasonable member of the public think this individual would be able to work within their scope of practice without compromising public safety or bringing the profession into disrepute?
2. The Registrar will evaluate the significance of such disclosures. It is possible that a past event no longer reflects significantly on an applicant's suitability to become a member of the ACTA.
3. If applicants misrepresent themselves, their conduct or their qualifications in the application process, the Registrar will defer their application to the intermediate route for further examination of these factors and a decision on their admittance into the College.
4. The seriousness of an applicant's conduct should be judged in terms of its relevance to the practice of the profession and any mitigating or aggravating factors associated with their particular case
5. In accordance with ACTA's registration policies, the following is requested from applicants:
 - 2 professional good character references within one year of the application date
 - Criminal and vulnerable sector record check within one year of the application date
 - Answers to the following questions:
 - Have you been charged with a criminal offence under the Criminal Code that is currently outstanding?
 - Have you pled guilty to or been found guilty of an offence under the Criminal Code for which you have not been pardoned?
 - Are you currently the subject of an ongoing complaint, investigation or other proceeding by ACTA, by a professional association, or by a professional regulatory body?
 - Have you ever been the subject of a complaint, investigation or other proceeding involving ACTA or a professional regulatory body that you are or were a member of that resulted in: a finding of unprofessional conduct; and/or conditions or limitations on your practice?
 - Has a court ever made a finding or granted judgment against you arising from your practice as a counsellor?
6. To determine whether any conduct or character issues arising from the requirements in section 5 are relevant to the applicant's suitability to practice Counselling Therapy the

Registrar will utilize the following assessment by asking the questions regarding the character or conduct issue: Has the applicant acted:

- In such a way that puts at risk the health, safety or well-being of a client or other member of the public?
 - In such a way that his/her registration would undermine public confidence in the profession?
 - In such a way that indicates an unwillingness to act in accordance with the standards of the profession?
 - In a dishonest manner?
7. Elements that may be taken into consideration of the assessment in section 6 include, but not limited to:
- degree of dishonesty or breach of trust
 - motivation
 - duration
 - isolated or repeated incident
 - concealment
 - the impact of the offence on the applicant's particular scope of practice
8. If the Registrar believes, after reviewing the conduct or character issues against the process in section 6 and 7, that the answer is "no" to all four questions in the assessment method, the application will proceed.
9. If the answer is "yes" to any one of the questions, or if the Registrar is unable to determine the answer because more information is needed about the circumstances of the issue(s), the application will be deferred to the Intermediate Route when the CCTA is open, and a final determination will be made under the College. This will allow the Council policies to be in place and an appeal mechanism.
10. The Registrar may consult with the ACTA Registration Committee and the ACTA Board on any matters related to a decision made under this policy. When consulting with the Committee, the Registrar will not identify the name of the applicant.
11. The Registrar will keep a decision log, without names, with reasons for decisions and explanations regarding decisions on each file. This log will be useful for the consistency of decisions now and in the future.
12. The Registrar will advise the applicant if their application is deferred to the intermediate route and the reasons for the deferral.

13. Depending upon the length of time until proclamation, applicants who have been deferred to apply to the College opens may need to resubmit some documentation and a new criminal record check at the time their applications will be considered.

14. **For current members of ACTA:** If a member's character information (see section 5 above) originally disclosed on their application has changed the member is required to advise ACTA. If, after review of the new information, the Registrar is of the opinion that the member would have been deferred to the Intermediate Route when the College opens had the member applied today, the Registrar may suspend the member's registration. The suspension will be reviewed when the College is open. A fee may be levied to the member for review of the suspension and re-in statement of membership.

Review

This policy will be reviewed one year from passing at an ACTA meeting or sooner if needed.