



College of  
**Midwives**  
of Ontario

Ordre des  
**sages-femmes**  
de l'Ontario

# Good Character Guide

October 2018

### “Good Character” Definition

The College’s Registration Regulation requires that an applicant’s past and present conduct afford reasonable grounds for the belief that the applicant will practise midwifery with decency, honesty, integrity and in accordance with the law and that the applicant will display an appropriate professional attitude towards clients and colleagues.<sup>1</sup>

The Registration Regulation also sets out conditions on every member’s certificate of registration, which includes members having to disclose information about their conduct to the College, such as a finding of guilt for a criminal offence or a finding of professional misconduct, incompetence or incapacity.<sup>2</sup>

These parts of the Registration Regulation, comprise the College’s “good character” requirements.

In addition, the College’s Professional Misconduct Regulation<sup>3</sup> sets out additional provisions regarding the conduct expected of a member. Violation of these provisions can put a member’s good character at issue.

Information that is provided to the College about an applicant’s or member’s conduct can be used to assess their suitability to practise midwifery safely and ethically.

The College will assess good character at the time of application to the College for an applicant and on an ongoing basis for members.

### Sources of Information Regarding Good Character

The following are some ways in which information about an applicant’s or member’s good character can come to the attention of the College:

#### Declarations

Pursuant to the *Health Professions Procedural Code*, Registration Regulation and the College’s General By-law, members are required to disclose information to the College regarding their conduct.<sup>4</sup>

Depending on the nature of the declaration, one of the following may occur:

1. If there are questions regarding an applicant’s suitability to practise, an applicant’s application can be referred to the Registration Committee.

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<sup>1</sup> S.6 (b) and (c), O.Reg. 168/11 under the *Midwifery Act*, S.O. 1991.

<sup>2</sup> *Ibid*, S.10

<sup>3</sup> O. Reg. 388/09 under the *Midwifery Act*, S.O. 1991.

<sup>4</sup> S. 14.05 College’s General By-Law, available online: <http://www.cmo.on.ca/wp-content/uploads/2018/10/General-Bylaw-October-2018.pdf>

2. If there are reasonable and probable grounds that the member committed an act of professional misconduct, the Registrar may decide to appoint an investigator to obtain further information regarding a member's declaration.
3. If a member provides false or misleading information or fails to disclose certain information, the Registrar can revoke a member's certificate of registration.<sup>5</sup>

Providing false or misleading information can impact the assessment of an applicant's or member's good character.

In addition, as a condition of membership, members are required to report within 14 days, any change in information regarding what has previously been declared.<sup>6</sup> Therefore, members have an ongoing responsibility to ensure that any information provided about their conduct is up to date.

### Letters of Standing

In the event a member is a member of another body that governs a profession inside or outside of Ontario, the College can request a letter of standing from the other regulatory body to ensure the member's conduct at that other regulatory body is currently not, nor has ever been, at issue.

In the case of applicants, the College can request letters of standing from educational institutions in addition to regulatory bodies. The information obtained from other regulatory bodies or educational institutions can be used by the Registration Committee to assess an applicant's suitability to practise midwifery.

### College Professional Conduct & Registration History

A member's history in professional conduct or registration can be used by the College to determine their good character.

For example, a member that continues to practise midwifery while suspended or inactive demonstrates disregard for the College's regulatory role and puts public safety at risk. The College's Inquiries, Complaints and Reports Committee (ICRC) and Registration Committee can consider this in assessing good character.

### Vulnerable Sector Check

The College requires all applicants and on request, some members, to submit a vulnerable sector check.<sup>7</sup> While the College recognizes that the results of criminal record screening may not guarantee good character or predict future conduct, the College nonetheless regards this as an important tool to assist with its regulatory duty of helping to ensure public safety.

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<sup>5</sup> *Supra* note 1, s. 19.

<sup>6</sup> *Supra* note 4, s. 14.06.

<sup>7</sup> See the College's Criminal Record Screening Policy.

In the case of an applicant, the results of the check can be considered by the Registration Committee in deciding whether to approve registration, deny registration, or approve registration with terms, conditions and/or limitations imposed on a certificate of registration.

In the case of a member, the results of the check can result in the Registrar launching an investigation to inquire whether a member has committed an act of professional misconduct.

## How the College Assesses Good Character

### Assessment of Character of Applicants

Once the College receives an applicant's application for registration, if the Registrar has reasonable grounds to doubt the applicant's suitability to practice based on any information received about their conduct, the Registrar will refer the applicant to a panel of the Registration Committee.<sup>8</sup>

The panel will assess the impact of the disclosed conduct on the applicant's suitability to practise midwifery ethically and safely. The panel can consider a variety of factors in its analysis, such as the following:

#### 1. The Nature of the Misconduct

##### Seriousness of the incident

The panel can consider whether:

- the incident was an act in violation of a law, regulation, College policy or standard
- the incident was a criminal offence
- there was a termination, suspension or limitation of employment as a result of the conduct
- there was a revocation, suspension or limitation of a professional license
- there was a denial of registration by a regulatory body
- there was an impact on the safety of individuals

##### Timing of the incident

Conduct that occurred recently as opposed to in the distant past can be viewed as posing a higher risk to public safety. However, the passage of time in the absence of other evidence does not necessarily indicate that a character issue has been remedied. The panel will consider all information at hand to inform its analysis in this regard.

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<sup>8</sup> s. 15(2) of the *Health Professions Procedural Code*, Schedule 2 to the *Regulated Health Professions Act*, S.O. 1991, c. 18.

#### Duration and frequency of the incident

The panel can consider how long the incident lasted and how frequently it occurred. In general, the longer it lasted and the more frequently it occurred, the greater the concern with the applicant's conduct.

#### Whether the misconduct occurred as part of an applicant's education

The conduct of an individual while they are a student can have a direct bearing on whether their good character can be considered at issue at the time of application to the College or if information about their conduct during their midwifery education becomes known to the College in subsequent years.

#### Relevance of the incident to practising midwifery

An incident that is directly relevant to the practise of midwifery may be considered as more concerning by a panel. For example, if the incident related to an event that occurred while an applicant was a midwifery student working at a practice and it detrimentally affected client care, the panel will weigh this factor seriously in making its decision.

## 2. The Applicant's Attitude Toward the Conduct

#### Whether the applicant demonstrated remorse

In the event an applicant has engaged in conduct that brings their good character into question, a demonstration of remorse and accountability for their conduct can be considered by the panel.

#### Whether the applicant has provided an explanation

Every applicant will be provided with the opportunity to provide an explanation for any conduct that they have declared and whether it would impact their ability to practise safely or ethically.

#### External verification for the applicant's attitude

Examples of external verification include character references by an applicant's employers, colleagues, teachers or mentors and any information that may come to the College's attention that either supports or challenges the applicant's attitude.

## 3. Remedial Measures Undergone Since the Conduct

In the case the applicant's conduct concerns behaviour that could benefit from remediation, the panel can consider whether the applicant has sought remedial measures (e.g. educational courses) voluntarily or otherwise. The panel can also consider whether the applicant has implemented changes to prevent a repetition of the conduct and whether there have been any incidents since the time remedial measures were undertaken.

## 4. Subsequent Conduct of the Applicant

The panel will consider whether there is evidence of subsequent wrongdoing and any observations from those who work directly with the applicant and have a duty to provide unbiased and honest information.

### Registration Panel Orders

After considering all the information at hand, the panel may make any of the following orders:

- Direct the Registrar to issue a certificate of registration
- Direct the Registrar to issue a certificate of registration if the applicant successfully completes examinations set or approved by the panel
- Direct the Registrar to issue a certificate of registration if the applicant successfully completes additional training specified by the panel
- Direct the Registrar to impose specified terms, conditions and limitations on a certificate of registration of the applicant and specify a limitation on the applicant's right to apply for variation of the panel's order
- Direct the Registrar to refuse to issue a certificate of registration<sup>9</sup>

### Assessment of Character of Members

The Registrar will review information and declarations when provided by a member and annually, upon renewal of registration using similar considerations to what would be applied to an applicant.

In the event a member discloses a criminal finding or proceeding or if similar information comes to the attention of the Registrar, the Registrar may request that the member obtain a vulnerable sector check. If the results of the vulnerable sector check reveal information not provided by the member or differ than the information provided by a member, a member's certificate of registration may be revoked.<sup>10</sup>

If the Registrar has concerns about a member's conduct, the Registrar can appoint an investigator to investigate the member's conduct or can make inquiries and on the basis of such inquiries, can decide whether to appoint an investigator. The results of the investigation will be reported to the ICRC. The member will then be subject to professional misconduct proceedings at the College.

### Appeals of Registration & Professional Conduct Decisions

An applicant may appeal any decision of a panel of the Registration Committee, within 30 days of receiving a decision, to the Health Professions Appeal and Review Board.

A member may apply to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed on the member's certificate of registration by a panel.<sup>11</sup>

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<sup>9</sup> *Supra* note 8, s. 18(2)

<sup>10</sup> *Supra* note 1, s. 19.

<sup>11</sup> *Ibid*, s. 19(1).

Members may apply for judicial review of a decision of the ICRC regarding a Registrar's investigation in the Divisional Court.



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