Practice Review Guidelines

The Association of Professional Engineers of Nova Scotia

1355 Barrington Street
Halifax NS, B3J 1Y9

Tel: (902) 429-2250

E-Mail: info@engineersnovascotia.ca

These Guidelines are subject to periodical amendments and modifications.
<table>
<thead>
<tr>
<th>Date</th>
<th>Version Number</th>
<th>Changes Made</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table of Contents

1.0 Practice Review Process Overview ................................................................................................... 1

2.0 Practice Review Areas ........................................................................................................................... 2
  2.1 General ................................................................................................................................................ 2
  2.2 Scope of Practice ................................................................................................................................. 2
  2.3 Technical Competence ........................................................................................................................ 2
  2.4 Access to and use of Resources .......................................................................................................... 3
  2.5 Records Management .......................................................................................................................... 3
  2.6 Quality Assurance Procedures ............................................................................................................ 3

3.0 Practice Review Procedures .............................................................................................................. 4
  3.1 Identification and Appointment of a Reviewer .................................................................................. 4
  3.2 Notification of Member ...................................................................................................................... 4
  3.3 Preparation ......................................................................................................................................... 4
  3.4 The Interview ...................................................................................................................................... 5
  3.5 Reports ............................................................................................................................................... 5

4.0 Expectations of Reviewer .................................................................................................................. 5
  4.1 Interactions with Registrant ................................................................................................................ 5
  4.2 Objectivity ........................................................................................................................................... 5
  4.3 General Expectations .......................................................................................................................... 6

5.0 Questions, Concerns and Confidentiality .......................................................................................... 6
1.0 Practice Review Process Overview

Pursuant to Section 17D of the Engineering Profession Act, Engineers Nova Scotia may require a Registrant to submit to a practice review, which may include inspection, audit, or assessment of the Registrant’s work, products of service, practice or technical competence.

A practice review is intended to provide information regarding a Registrant’s compliance with professional standards, including without limitation the Engineering Profession Act, By-laws and Code of Ethics. Also, the practice review is intended to address the minimum professional standards which a Registrant must meet in order to fulfill their professional obligations. The practice review is intended to determine if an engineer practicing in a given field performs in a manner consistent with the performance of reputable professionals practicing in the same field. The scope of this review will generally be consistent with the nature of the circumstances leading to the requirement that a practice review be undertaken.

A practice review is conducted by a Reviewer assigned by Engineers Nova Scotia. The Reviewer can be a professional engineer registered in Nova Scotia or another provincial association, with knowledge and background appropriate to conduct a practice review of the Registrant.

The Reviewer will enter into a confidentiality agreement and engagement agreement with Engineers Nova Scotia before his or her scope of the review and the retainer is finalized. The Director of Professional Practice and Development (DPPD) will direct the Reviewer on administrative matters.

The Reviewer and the Registrant will be given instructions with respect to the timing and manner of the practice review, and appropriate arrangements will be made.

The practice review will include an interview (typically at the workplace of the Registrant) with the Registrant.

In advance of the interview, the DPPD will provide the Reviewer with relevant information in the possession of Engineers Nova Scotia. A practice review information form that describes areas such as education, areas of practice, and level of responsibility, will be completed by the Registrant and sent to the Reviewer. Engineers Nova Scotia expects that the Reviewer will review this information prior to the interview, and use this information as necessary to conduct the practice review.

Following the completion of the interview and any necessary follow-up, the Reviewer will prepare a practice review report. The report will be submitted to the DPPD with a copy to the Registrant.

A practice review does not relieve a Registrant from complying with all applicable laws, regulations, by-laws or standards related to their practice. A successful practice review is not a practice endorsement.
2.0 Practice Review Areas

2.1 General

A practice review may include the assessment of one or more of the following areas:
- Scope of practice;
- Technical competence;
- Access to and use of resources;
- Records management;
- Quality assurance procedures; and
- Proper use of engineering seals.

The extent of the practice review is subject to the terms of the engagement agreement. The Reviewer is expected to exercise judgment about how best to adequately undertake the practice review.

2.2 Scope of Practice

Assessment of a Registrant’s scope of practice may include, but is not limited to:
- The types of projects undertaken by the Registrant;
- The role played by the Registrant in these projects; and
- The level of responsibility assumed or taken by the Registrant.

In addition to interviewing the Registrant, the Reviewer will consider projects and documents as a means of understanding the Registrant’s scope of practice. These documents may include, but are not limited to:
- Contracts;
- Project list, log book, time sheets;
- Proposals;
- Advertisements (including the website of the Registrant or the Registrant’s employer);
- Work product (including drawings, specifications, calculations, maps, reports, or other such technical documents reflecting the scope of work under the responsibility and control of the Registrant).

Quality Management Plans and/or Procedures will be reviewed only as to their potential impact on a Registrant’s practice.

2.3 Technical Competence

The Reviewer may be asked to assess the technical competence of a Registrant within the scope of practice. If so, the following may form part of the Reviewer’s evaluation:
- Length and type of experience appropriate to scope of practice; and
- Knowledge in field.

The Reviewer will also verify technical competency and compliance with the Engineers Nova Scotia Continuing Professional Development Program, and the Registrant’s efforts to maintain competence. This can include selectively reviewing criteria including, but not limited to, the following:
- Memberships in technical associations;
- Attendance at seminars, conferences, workshops;
- Professional or technical presentations;
- Extent of publishing;
- Self-directed study;
- Design notes of a specific project;
- Complete design drawings;
- Project specifications;
- Relevant sub-consultant reports;
- Design codes and material standards used; and
- Design criteria used and assumptions made.

2.4 Access to and use of Resources

The Reviewer may be asked to assess whether the Registrant has access to, and/or appropriately uses required and necessary technical and personnel resources, and equipment, to perform the professional responsibilities associated with his/her scope of practice. If so, the Reviewer should assess the frequency of the Registrant’s contact with experienced peers and the Registrant’s use of resources (including whether they are relevant and current regarding codes and standards).

The Reviewer may also interview the Registrant and examine documents to assess:
- Use of an accessible technical library;
- Use of current codes, by-laws and standard documentation;
- Availability and use of current catalogues, product information, and technical journals;
- Availability and use of necessary equipment;
- Field safety programs; and
- Supervision of personnel.

2.5 Records Management

The Reviewer may be asked to verify if the Registrant maintains relevant and adequate project files to document the work performed. If so, the Reviewer should assess whether engineering design notes are legible, indexed and complete. As well, investigations, reports, contract documents, field changes and design revisions will be reviewed for proper documentation, accessibility and safe storage.

2.6 Quality Assurance Procedures

The Reviewer may be asked to assess whether a Registrant has their own or an employer checking procedure, quality management system or an independent professional engineer available to review calculations and designs, and whether such a review is used.

2.7 Proper Use of Engineering Seals

The Guideline on the Use of the Engineering Seal shall be used by the Reviewer to assess the Registrant’s adherence to the requirements as set out under the Guideline.
3.0 Practice Review Procedures

3.1 Identification and Appointment of a Reviewer

The Reviewer will be selected by the DPPD, in consultation with other staff and legal counsel (if necessary).

The following criteria should guide the selection of a Reviewer:
- The Reviewer will be a registered practicing or retired professional engineer
- The Reviewer will have relevant experience in the general practice of engineering in the broad discipline of the Registrant.

After a potential Reviewer is selected to conduct the review and before being retained, a potential Reviewer must:
- Confirm that they do not have a conflict of interest in conducting the review, and there are no circumstances which could lead to a reasonable allegation of bias, conflict of interest or lack of independence.
- Sign the confidentiality agreement with Engineers Nova Scotia, which states that information will not be disclosed to other parties.
- Sign the engagement agreement with Engineers Nova Scotia.

The Reviewer’s retainer (if any), and entitlement to reimbursement of expenses, will be outlined in the engagement agreement.

3.2 Notification of Member

The Registrant will be notified by letter from Engineers Nova Scotia, which may be sent by email. A practice review information form will be sent to the Registrant and returned back to the DPPD. The information on this form will aid in selecting a Reviewer with the appropriate qualifications to conduct the practice review.

Once a Reviewer is selected, the Registrant will be provided with their name, and informed that he/she will be contacted to make further arrangements. A copy of the Confidentiality Agreement signed by the Reviewer, as well as the Practice Review Engagement Letter will also be sent to the Registrant.

3.3 Preparation

Prior to the interview, Engineers Nova Scotia will provide the Reviewer with the practice review information form, and any relevant information in possession of Engineers Nova Scotia.

The Reviewer will review the documentation provided and the applicable professional standards (including without limitation the Engineering Profession Act, By-laws and Code of Ethics) in advance of the interview.

The Reviewer will contact the Registrant to set a time, date, and location for the interview.
3.4 The Interview

The interview will normally occur at the Registrant’s place of employment, unless other suitable arrangements are made. The objective of the interview is to gather information relevant to the practice review.

During the interview, the Reviewer should generally:
- Describe the process within an appropriate framework;
- Question the Registrant on the practice review areas within the scope of the Reviewer’s engagement;
- Gather information and documents with respect to the practice review areas within the scope of the Reviewer’s engagement;
- Review the Registrant’s work site, records, projects, work, and equipment and resources as the Reviewer considers appropriate to complete the review;
- Inform the Registrant that the Reviewer will provide a report to the DPPD.

The requirement for any subsequent meetings or follow-up will be determined by the Reviewer on a case-by-case basis.

3.5 Reports

Following the interview and any subsequent meetings or follow-up, the Reviewer will complete a report. The report should be concise and, subject to the engagement agreement, the report should contain:
- An introduction that identifies who requested the review and why;
- The contact information of the Reviewer;
- The purpose and scope of the review;
- A summary/overview of the steps undertaken in the review;
- The Reviewer’s observations;
- The Reviewer’s opinions on such issues as requested in the Engagement Agreement (if any); and
- A disclaimer limiting the use of the report for the stated purpose.

Reviewers should be careful about language in the report and the tone of the report should be professional and objective. Subject to the terms of the engagement agreement, the report will be provided to the DPPD within 30 days of the interview.

4.0 Expectations of Reviewer

4.1 Interactions with Registrant

The Reviewer will act as the interface between the process and Registrant. The Reviewer must exercise care in obtaining the information necessary to provide a complete and comprehensive report. Interactions with the Registrant should be limited to gathering of information and queries as required to understand the information being provided. Reviewers should avoid unnecessary confrontation with the Registrant.

4.2 Objectivity
Reviews must be carried out objectively and fairly, and be consistent with engineers’ ethical obligations. Accordingly, Reviewers need to be aware of procedures for ensuring fairness, impartiality, privacy and completeness of the review process.

The Reviewer must not be biased, and must not be seen to be biased. The Reviewer must be open-minded and impartial, and must not be prejudiced or have a personal or business interest in the outcome of the disciplinary process.

Reviewers must confirm prior to accepting the review engagement that they do not have a conflict of interest in conducting the review. It is essential that the Reviewer disqualify him/herself from a practice review if there are circumstances which would affect his/her objectivity or lead to an apprehension of bias.

**4.3 General Expectations**

Engineers Nova Scotia has an expectation a Reviewer will:

- Be courteous and diplomatic, but sufficiently firm to maintain the objectives of the practice review.
- Be capable of making an overall assessment of the abilities of the Registrant and the conditions under which the Registrant practices.
- Disqualify himself/herself if the practice review requires a particular expertise or experience that the Reviewer does not possess.
- Be coherent in his/her written and verbal reports, and deliver the findings in a logical manner.
- Possess a sufficient degree of self-confidence and self-assurance to enable him/her to defend his/her report under cross-examination and to remain calm and unshaken if subjected to aggressive cross-examination.
- Have the ability to keep extensive and orderly working papers of his/her review, including notes made of discussions with the Registrant and third parties.
- Have the ability to question the Registrant or any potential witness and elicit all information necessary to conduct the practice review.

**5.0 Questions, Concerns and Confidentiality**

If at any time the Reviewer has questions or concerns regarding any aspect of the practice review, the Reviewer should speak with the DPPD.

If the Registrant has questions or concerns about the practice review which go beyond a general discussion of the process, the matter should be referred to the DPPD for a response.

Where a Registrant objects to the disclosure of information to a Reviewer on the basis that it involves confidential information, the Registrant shall raise the objection at the earliest opportunity. The Registrant must advise the DPPD of the general nature of the information and the basis for the objection. The DPPD will reconfirm with the Registrant that the Reviewer is subject to a confidentiality agreement. If the Registrant persists in his/her objection, the DPPD will consult other resources (which may include legal counsel) to determine next steps in this process. In appropriate circumstances, the practice review may be suspended pending the DPPD’s consideration of the confidentiality objection.