

PROCEDURE FOR HANDLING NON-COMPLIANCES DRIVING SCHOOLS

INTRODUCTION

Non-compliances will be handled in the manner specified in the Accreditation Agreement between the *Société de l'assurance automobile du Québec* (SAAQ) and the *Association québécoise des transports* (AQTr) and in accordance with Section 4.87 of the *Detailed Requirements*. This being stated, the decision to suspend and/or to revoke a school's certificate of recognition falls under the authority of the SAAQ.

As mentioned in Section 4.2 of the *Detailed Requirements*, the AQTr will renew a school's certificate of recognition when it expires, even if non-compliances have been observed during an inspection visit.

Non-compliances are categorized by the type of harm they cause:

1. Reparable: Situation where measures can be taken to remedy the non-compliance with the *Detailed Requirements* and which does not violate the statutory limitations of Section 66.1 of the *Highway Safety Code*. Non-compliances with reparable harm are classified into three categories, according to their severity degree: minor, serious and major, and they are dealt with in accordance with this degree.
2. Irreparable: Situation where measures cannot be taken to remedy the non-compliance with the *Detailed Requirements* for the statutory limitations of Section 66.1 of the *Highway Safety Code* not to be violated, for example, by selling course attestations (*Detailed Requirements*, Appendix 1-36). Non-compliances with irreparable harm are handled in two different ways, according to whether they are observed or suspected.



1. Handling of Non-Compliances with REPARABLE HARM

1.1. Minor Non-Compliances

- A notification of non-compliance is sent, including a description of the non-compliances

Note 1: Even if the AQTr does not do follow-ups in case of minor non-compliances, the school will still receive a notification of non-compliance following each inspection. Moreover, the AQTr may reconsider the handling procedure of minor non-compliances should they be repeated.

1.2. Serious Non-Compliances

- A **notification of non-compliance** is sent, including a description of the non-compliances, the given delay to rectify them, the proof of correction request, the type of follow-up which will ensue (document verification or onsite compliance inspection) and the description of the remedial action plans to which the school may be subject in the event the observed non-compliance is not rectified within due time (i.e. *Detailed Requirements* training session, training on the course structure rules to be followed, administrative coaching, etc.)
- Follow-up on non-compliances:
 - a. If the non-compliances have been rectified:
 - A **notification of compliance** is sent;
 - Case is closed.
 - b. If the non-compliances have not been rectified (entirely or partially):
 - A **notification** to implement a remedial action plan is sent (the plan is adapted to each case);
 - A remedial action plan is implemented;
 - Follow-up is done at the end of the remedial action plan: document verification or onsite inspection for compliance.
 - o If the non-compliances have been rectified:
 - A **notification of compliance** is sent;
 - Case is closed.

Note 2: Should a school be subject to multiple remedial action plans, the writing of a detailed report may be initiated and sent to the SAAQ for analysis, and this even if the non-compliances had previously been corrected.



- If the non-compliances have not been rectified (entirely or partially), Section 5.1 of the *Detailed Requirements* is applied:
 - A detailed report on the driving school is prepared, illustrating that the non-compliances have not been corrected;
 - The file is transferred to the SAAQ in order for the Society to take a decision as for the suspension or the revocation of the school's recognition (section 5.1);
 - The school will receive a **notification that its file has been transferred** to the SAAQ;
 - The SAAQ's decision is enforced.

*Note 3: In cases of students/training officers' files' verification, the AQTr will apply the procedure for handling minor non-compliances if a non-compliance with a section of the Detailed Requirements affects **less than 30% of the verified information**. As for the cases where a non-compliance with a section of the Detailed Requirements affects **30% or more of the verified information**, the AQTr will apply the procedure for handling serious non-compliances.*

1.3. Major Non-Compliances (cases needing urgent attention)

- The school is contacted and requested to rectify the non-compliances immediately;
- A **notification of non-compliance** is sent, including a description of the non-compliances, a summary of all telephone correspondences, the given delay to rectify the situation, the proof of correction request and the type of follow-up that will ensue (document verification or onsite inspection for compliance)
- Follow-up on non-compliances:
 - a. If the non-compliances have been rectified:
 - A **notification of compliance** is sent;
 - Case is closed.
 - Possible additional inspection to ensure that compliance is maintained.
 - b. If the non-compliances have not been rectified (entirely or partially), Section 5.1 of the *Detailed Requirements* is applied:
 - A detailed report on the driving school is prepared, illustrating that the non-compliances have not been corrected;
 - The file is transferred to the SAAQ in order for the Society to take a decision as for the suspension or the revocation of the school's recognition (section 5.1);
 - The school will receive a **notification that its file has been transferred** to the SAAQ;
 - The SAAQ's decision is enforced.



2. Handling of Non-Compliances with IRREPARABLE HARM

2.1. Major Non-Compliances (observed)

- A detailed report on the driving school will be prepared with proof that non-compliances with irreparable harm have been observed;
- The file is transferred to the SAAQ in order for the Society to take a decision as for the suspension or the revocation of the school's recognition (section 5.1);
- The school will receive a **notification that its file has been transferred** to the SAAQ, including details on the observed non-compliances;
- The SAAQ's decision is enforced.

2.2. Major Non-Compliance (suspected)

- A detailed report on the driving school is prepared, explaining the motive for which a non-compliance with irreparable harm is suspected;
- The file is transferred to the SAAQ in order for the Society to carry out its investigation and take a decision as for the suspension or the revocation of the school's recognition (section 5.1);
- **The school will not receive notification that its file has been transferred** to the SAAQ to avoid any interference with the SAAQ's investigation;
- The SAAQ's decision is enforced.

Reference: Highway Safety Code, article 6.61

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_24_2/C24_2_A.html

Persons applying for their first licence to drive a motorcycle, a moped or another passenger vehicle must successfully complete a driving course appropriate for the class of licence requested, given by a driving school recognized by a body approved by the Société.

The course must comprise a theoretical part and a practical part. The deadline for the successful completion of each part of the course and the cases in which a person may be exempted from taking the course are determined by government regulation.

In addition, the Government may, by regulation, set the maximum and minimum amounts chargeable for a course to drive a passenger vehicle.

2007, c. 40, s. 11; 2009, c. 55, s. 2.

