
Professional Accountability Processes

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Guide

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1.0 Introduction

Forest professionals understand there is a relationship between professional reliance and professional accountability. In order for professional reliance to be successful, the ABCFP must have various professional accountability mechanisms in place for members and the public. ABCFP members may find themselves in a position where they have some question or concern about the quality of another member's professional conduct both during and outside of work (competence, independence, integrity, due diligence, stewardship and/or safety). While the member may not think it warrants filing a formal complaint with the association, there may be a shared responsibility for action regarding professional accountability.

The professional conduct and competence of every member reflects directly on the association and its members. If we ignore, allow or condone poor conduct or competence in our membership, we harm the reputation of the association, our employers and ourselves.

This document describes both non-discipline and discipline options to support the ABCFP Professional Accountability Process. The ABCFP has established the non-discipline options for the purpose of improving member competency and professionalism. These options are not part of the Complaint Resolution Procedures (CRP), but may be used to resolve or otherwise address concerns about another member's work without submitting or pursuing a complaint against the member.

The ABCFP Code of Ethics (Bylaw 11) describes obligations forest professionals must meet as they fulfill practice responsibilities to the public, profession, clients or employers, and fellow members.

Where a member believes that another member has not met their obligations under Bylaw 11.3.4 (stewardship of forest land) or Bylaw 11.4.3 (professional conduct), they are first expected to try to resolve the matter with the other member. If the matter cannot be resolved or if it is not possible or appropriate to advise the responsible member, it is the concerned individual's responsibility to inform council immediately (refer to http://www.abcfp.ca/regulating_the_profession/complaints/overview.asp on the ABCFP website).

However, if the concerned individual has not made satisfactory efforts to resolve the matter with the other member on a reasonable and appropriate basis, the registrar may decline to accept the complaint or to initiate formal CRP (see section 22 (6) (d) of the *Foresters Act*).

Previously, there has been little guidance and no stated options for members as to how they might go about resolving the matter themselves. To fill this gap, this document describes several suggested non-discipline options to improve member competency that may be attempted before initiating CRP. These non-discipline

options are primarily member-driven, with the ABCFP playing a facilitative role in options D and E. All the non-discipline options are voluntary, and no member is required to participate in them.

The five non-discipline options to improve member competency are:

- A. Informal agreement between the members
- B. Formal agreement between the members
- C. The Voluntary Peer Review process
- D. ABCFP assists the members in reaching a consensus
- E. ABCFP coordinates a work review

The following are some examples when the non-discipline options in this document may be appropriate:

1. a concern with another member's professional work that is not consistent with the examples of professional misconduct for submitting a complaint listed in the Professional Accountability Process: Discipline Options section of this document;
2. a professional difference of opinion that is causing detrimental work-related issues;
3. a case of poor quality professional work is submitted for review and/or approval;
4. a poor quality review of professional work is carried out; or
5. an error in professional work was unintentional or not serious.

To help in determining when non-discipline versus discipline options are appropriate, refer to the article, *What is the Duty of Report?*, written by the ABCFP registrar in the March/April 2009 issue of **BC Forest Professional** magazine outlining when you should initiate a complaint¹.

¹ Refer to an excerpt of this article later in this document.

2.0 Professional Accountability Processes: Non-Discipline Options

These voluntary non-discipline options are not intended to circumvent the CRP and thereby reduce public confidence in the association or member standards; they are intended to enable a broadening of member action resulting in a strengthening of professional standards, especially competence.

The objective of this non-discipline accountability process is:

To provide various voluntary options outside the CRP for members to demonstrate professional reliance by working together and with the ABCFP to address concerns each may have about the others' professional practice. All options are offered to help members address competency or professional issues with each other and with the ABCFP in an open and fair manner, and are intended to improve the overall competency and professional reliance of the general ABCFP membership.

This new initiative is designed to address any circumstances where a member has a concern about the quality of another member's professional work and the concern does not fit the criteria for using the CRP.

A number of options outside of the CRP have been identified by the ABCFP and are described in this document. All options must have a measureable or mutually agreeable outcome to be successful.

Note: Options A, B and C are voluntary and resolved between members without the ABCFP's direct involvement but the ABCFP will help out, if needed. With options D and E, the ABCFP will either strive for consensus (independent mediation) or provide recommendations to resolve the issue at hand to improve member competency and professionalism.

Because of fettering issues, these non-discipline options may not be applicable in circumstances when a statutory or delegated decision-maker must make a determination.

2.1 Concerns Resolved by Members

2.1.1 Option A: Informal Agreement between Members

This voluntary option should be considered before the other options. It involves an informal meeting with the other member where the work quality concerns are mutually discussed and an action plan to resolve all issues is developed. Here is some guidance on how you can improve the outcome of this option.

- Be certain you have documented evidence of your concerns and that you are prepared to explain the concerns along with consequences or impacts of the issues as they relate to forest management.
- Once the concerns have been presented, allow time for the other member to explain his or her actions. This may resolve the issue without further actions.
- Look for mutual agreement on the nature and extent of the issue or concerns.
- Mutually agree on how the concerns can be resolved (suggestions for improvement).
- Offer help to the other member to improve performance.
- During this process keep an open mind as the process may result in an improvement of your own practice based on the discussion of the problems identified.
- Mutually agree on how both members will follow through with a quality assurance plan.
- Mutually agree on how success will be measured.
- The members may want to set up an accountability process check with their manager, if that manager is a member, or another third party member to enable successful follow-up.

If mutual agreement cannot be reached to identify the nature and extent of the issue or resolve the issue, then members should consider further options identified below. This option could also be facilitated by someone who is competent and independent from the two parties.

2.1.2 Option B: Formal Agreement between Members

The procedures in this voluntary option are the same as for option A, except that a formal record of the agreement is written and signed/stamped/sealed and a copy filed with the ABCFP. Consideration must be given as to whether one or both members need to improve their performance to resolve the dispute. Follow-up to measure or check future performance is then the responsibility of both members as

with option A. This option could also be facilitated by someone who is competent and independent from the two members. The members may want to set up an accountability process check with their manager, if that manager is a member, or another third party member to enable successful follow-up.

If either member has second thoughts and wants to modify or withdraw from the agreement, or each member has a different opinion about implementing, modifying or withdrawing from the agreement, the ABCFP can be contacted to explore other options to resolve the issue, if appropriate.

2.1.3 Option C: Voluntary Peer Review Process

An ABCFP voluntary peer review helps a member improve his or her professional practice with the help of a peer. Information regarding details of peer reviews can be found at: http://www.abcfp.ca/practice_development/continuing_competency/peer_review.asp

A voluntary peer review results in a professional development plan (or a revision of, or addition to an existing professional development plan) to improve professional performance.

This option may improve professional performance but will be difficult to implement in a non-biased manner if the concerned member carries out a voluntary peer review on the responsible member. If this option is used, an independent person should carry out the voluntary peer review. The nature of the peer review will hopefully lead to discussion and resolution of the issue at hand. The peer doing the review will conduct a follow-up to see if the responsible member is achieving the agreed upon professional development plan. The members may want to set up an accountability process check with their managers if that manager is a member, or another third party member to enable successful follow-up.

When approaching another member to exercise option A, B or C, a member should exercise great care to separate him or herself from the sector of employment. Where possible, communication should occur as member-to-member instead of coming from an organizational relationship. The initiating member should clarify to the other member that “employment hats are taken off”, the practice concerns are not being noted in any government or company files, and that no other parties are involved, except if mutually agreed upon. Face-to-face or phone conversations are preferred which will help to diffuse sensitive issues.

Note: For concerned members who review the work of many members who submit poor quality work, implementing options A, B and C may require a significant amount of work. If this is the case, concerned members can contact the ABCFP manager of professional development and member relations to determine appropriate options.

2.2 Concerns Resolved by the ABCFP

For the following voluntary options D and E, the ABCFP is involved in a facilitative role, and will generally treat all communications exchanged with or between the parties as being confidential. However, this is subject to the proviso that if evidence arises of serious member misconduct, or of poor competence that continues after this quality assurance process is completed, that is of such a serious nature that the manager of professional development & member relations (or other ABCFP representative involved in the process) considers it necessary to initiate CRP, there can be no restriction on the ABCFP using that evidence to meet its statutory responsibilities under the *Foresters Act*.

Before involving the ABCFP by using options D and E:

- You must seriously consider options A, B and C and have appropriate reasons why they were not utilized, or you must have already implemented one or all of these options without success;
- You must have documented evidence of the professional practice issues;
- You must have mutual agreement between yourself and the other member to involve the ABCFP; and
- The issue must be related to the practice of professional forestry or professional obligations.

Note: With options D (consensus) and E (work review), the ABCFP may need to consider or review the professional work of both members. Since both of these options are meant to benefit member competence and professionalism and are non-disciplinary, the documentation will not be placed on an individual member's file but will be placed in confidential general ABCFP files, subject to the same proviso noted above, in the event that evidence arises of such a serious nature that the manager of professional development & member relations (or other ABCFP representative) considers it necessary to initiate CRP.

2.2.1 Option D: ABCFP Assists Members in Reaching a Consensus

ABCFP tries to achieve a consensus between members using an independent mediator².

The ABCFP will review the facts submitted by both parties and, with mutual agreement, attempt to achieve consensus on how one member or both members will improve their professional work, if appropriate. It is the members' responsibilities to conduct a follow-up and to ensure that the details of the consensus are met. The

² The ABCFP will bear the cost of this option. For this option, the term "independent mediator" does not indicate mediation as part of the CRP.

members may want to set up an accountability process check with their managers to enable successful follow-up.

Participation in this option is voluntary and a member can decide to withdraw at any time prior to completion of the process. If a member chooses not to participate in this option or withdraws from this process then the ABCFP may explore other options to resolve the issue, if appropriate. If consensus cannot be reached for any part of this option, the ABCFP will decide on the next course of action.

2.2.2 Option E: ABCFP Coordinates a Work Review³

If the concern is related to the quality of professional work, the ABCFP can organize a work review to provide recommendations on how one or both parties can improve their work quality. This work review will be completed by a registered member (volunteer, ABCFP staff or a paid specialist) and will be administered by the ABCFP. The person doing the work review must be qualified and competent to assess the nature of the professional work. The work review process will be customized for each situation to deal with the specific issues of concern. It is not meant to follow the ABCFP practice or technical review processes but elements of these reviews may be used in the work review.

The ABCFP can carry out a work review on both members if appropriate. It is the members' responsibilities to follow-up and ensure work review recommendations are met. The members may want to set up an accountability process check with their managers if that manager is a member, or another third party member to enable successful follow-up.

If one or both members do not want a work review or choose to opt out of a work review the ABCFP may explore other options to resolve the issue, if appropriate.

2.3 Incremental Steps to initiate non-discipline options of the Professional Accountability Process:

1. Go to the ABCFP website (<http://www.abcfp.ca/>) and review the five non-discipline options available to resolve a concern with another member's professional work.
2. Options A (informal agreement), B (formal agreement) or C (peer review) must be considered or attempted before using options D (ABCFP consensus) and E (ABCFP work review).
3. Initiate and follow-through with option A, B and/or C, if appropriate.

³ The ABCFP will bear the cost of this option.

4. If option A is implemented, mutually document the resolution and follow-up processes.
5. If option B is implemented, mutually document the resolution and follow-up processes, sign and stamp/seal a mutual agreement and contact the ABCFP manager of professional development and member relations to file the agreement.
6. If option C is implemented follow the procedures outlined in the Voluntary Peer Review process at http://www.abcfp.ca/practice_development/continuing_competency/peer_review.asp. Note that you only have to submit a declaration of completing a Voluntary Peer Review to the ABCFP.
7. If options A, B, or C did not work or are not appropriate, consider options D or E. Contact the ABCFP manager of professional development and member relations to initiate either one of these options and make sure you have the required documentation and rationales. Based on the documentation provided, the ABCFP will decide which option is appropriate.

These non-discipline options could lead to CRP if work concerns or errors continue after implementation of any of these options, especially if there is a past history of poor professional work performance or the errors become more serious during the resolution process. With each of these options, the ABCFP expects the members involved to follow through on their own to ensure competency and professionalism is improved.

3.0 Professional Accountability Processes: Discipline Options

In order to give an idea of when a member must initiate Complaints Resolution Procedures (CRP), the following is an excerpt of the article, *What is the Duty to Report*, by ABCFP registrar, Randy Trerise, RPF. This article appeared in the March/April 2009 issue of **BC Forest Professional** magazine. It provides examples of when concerns with another member's professional work must be reported using the CRP.

“When should you notify the association?”

First, contact the person whose activities are in question to see if there is any important information that you are missing that may change your opinion about the need to report.

Once you are satisfied that you have the relevant information and have discussed it with the other member, you must decide if the matter is resolved. If resolved, you should communicate that to the member. If it is not resolved and you must report then you should still notify the other member of your intention to do so.

It is also possible that while the matter is resolved in that instance, you may decide that you must still report the situation. For instance, if you have reason to believe the incident forms part of a larger pattern of conduct, you may still be duty-bound to report even if the particular incident is resolved. Again, you should inform the member that you are doing so.

If the matter is not resolved and you continue to believe that you have a duty to report in the circumstances, you must inform the Association by filing a complaint.

Alternately, if you are unsure as to whether you are required to report in the circumstances, you may ask the Association for help. The Association can provide guidance, interpretation of the relevant bylaws including the Code of Ethics, or mediation services to help resolve differences of opinion or perception.

According to the terms of the bylaws, in situations where it is either not possible, or inappropriate, to raise the matter with the other person, you should report the situation directly to the association and the relevant authorities.

The Association generally expects members to report directly where:

- i. There are safety concerns;
- ii. There is the potential for slope instability or landslide;
- iii. There could be significant damage to other resource values (e.g. first nation's values, fisheries, private land or downstream resources);
- iv. There are examples of continuous errors or a history of poor quality work;
- v. The subject member has previously been disciplined for similar actions;
- vi. It is reasonable to believe that the alleged action was intentional and serious;
- vii. It is reasonable to believe that the subject member was motivated by personal gain or received a benefit from the alleged action;
- viii. The alleged action is of a nature such that a failure to deal with the matter in a formal, transparent and public manner would tend to bring the profession and its discipline process into disrepute; or
- ix. Any other circumstance where you as a member believe another member is not complying with the bylaws or code of ethics."

These situations are some examples of when a member believes there has been a contravention of Bylaws 11.3.4 (practice detrimental to good stewardship of forest land) and 11.4.3 (infamous or unprofessional conduct, conduct unbecoming a member, negligence or a breach of the *Foresters Act* or Bylaws).

Note: The CRP has non-discipline options such as alternate dispute resolution (http://www.abcfp.ca/regulating_the_profession/complaints/documents/flowchart_CRC-process.pdf) which are separate and different than the non-discipline accountability options in this document.

ABCFP practice reviews, technical reviews and peer reviews can also be used as part of the CRP as tools for a negotiated settlement.

Questions?

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