

# Professional Reliance Implementation Guidelines



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This document supplements the Professional Accountability Training Initiative (PATI) materials presented at the 1998 professional accountability workshops. The Association of B.C. Professional Foresters (ABC PF), Forest Renewal B.C., Ministry of Forests, Council of Forest Industries, and Ministry of Environment, Lands and Parks sponsored the workshops. These guidelines were written on the assumption that the reader is thoroughly familiar with the PATI materials as well as the concepts of greater reliance on professional judgement and accountability that comes with this judgement.

The PATI materials make reference to the principle that district level implementation policies and procedures must be developed if the initiative is to succeed. These policies and procedures must be developed jointly by ministry, industry, and consulting personnel. Their objective should be to:

- (a) Help shift to a “new culture”<sup>1</sup> of operational plan preparation and review;
- (b) Form new or strengthened bonds of respectful regard amongst professionals and non-professionals on local resource teams; and
- (c) Streamline local administrative procedures without compromising environmental standards.

This document was written to provide general advice to assist in developing local implementation policies and procedures.

## General Provisions

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In this section we describe some general provisions to assist developers of local policies and procedures. Subsequent sections provide more detailed suggestions.

- (1) Include personnel from all representatives on the local resource team (government agency, industry, and consulting –where appropriate – representatives at a minimum). Assign one person from this team to lead and organize the group. Implementation should not be seen as a “government” or “industry” initiative but rather as a joint professional one with all representatives being accountable for its implementation.
- (2) Use the Association of BC Professional Foresters’ (ABC PF) workshop material entitled: “Application of Professional Discretion under the Forest Practices Code” as a foundation. This can be downloaded from the ABC PF web site at [www.rpf-bc.org](http://www.rpf-bc.org).

- (3) Contact the ABC PF if there are questions, concerns or impasses. ABC PF staff are available to answer questions or to come and meet with local teams to assist if needed. For further information contact the Registrar and Manager, Professional Standards, Jerome Marburg at (604)331-2326.
- (4) Establish communication protocols between reviewers and prescribers. Please refer to the section entitled “Measures for Reviewers to Carry out Professional Quality Reviews” below for further guidance on this point.
- (5) Design a separate process or set of procedures to resolve issues or concerns related to differences of professional opinion if such issues or concerns keep reoccurring.
- (6) Establish a network of specialists familiar with local conditions so prescribers, reviewers and statutory decision-makers can consult them when appropriate.
- (7) Establish an independent system to monitor key performance indicators to measure the success of this initiative.
- (8) Include provisions in the policy and procedures which call for identification and resolution of issues in “sensitive areas” before operational plans are prepared and submitted. Establishing protocols for arranging joint field visits which include relevant proponent/review staff may be particularly helpful here.

## Measures for Prescribers and Reviewers to Carry-out Professional Quality Work

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These measures can be used for all types of professional work.

In relation to operational plans, these measures provide detailed interpretive advice for:

- (1) Prescribers to produce professional quality operational plans, and
- (2) Reviewers to carry out professional quality reviews.

## Measures for Prescribers to Produce Professional Quality Operational Plans

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### *What is a professional quality plan?*

Prescribing foresters are professionally accountable for all of the content of the operational plans to which they attach their signature and/or seal as well as the results of those plans when implemented as prescribed. A professional quality operational plan:

- (1) Is free from errors and omissions.
- (2) Is scientifically and technically sound.
- (3) Attempts to balance public policy issues and resource values (balances economic, cultural, social and ecological objectives).
- (4) Meets all requirements of relevant legislation, regulation, and higher level plans.
- (5) Provides appropriate rationale(s) when needed.
- (6) Provides clear direction for implementation, where it is required.
- (7) Provides realistic, clear and measurable objectives, end results, or desired stand conditions, which can be periodically monitored for achievement.

### *Operational plan preparation*

Preparing a professional quality operational plan requires initial organization, data collection, fieldwork and final preparation.

#### *Initial Organization*

Before starting any operational plan, all background information must be collected and assessed. If this background information reveals any sensitive areas from an ecological, social, cultural or economic perspective, then consultation with appropriate specialists or stakeholders (internal, external, government or public) may be necessary. Arranging a field visit with relevant proponent and agency staff is recommended so that sensitive areas/issues can be addressed before plan preparation or submission.

It is imperative that practitioners are familiar with client/employer local standards and/or procedures associated with data collection and preparing reports. You will have to assess these to ensure they are adequate and appropriate for the task at hand. As a professional forester, you are professionally accountable for all work prepared on the basis of this information and are therefore obliged to ensure that it is reasonable and appropriate to rely on the data collected or the conclusions made by others. The "Due Diligence sections of the PATI training materials discuss these issues in more detail and should be referenced.

As a prescriber, it may be helpful to develop a checklist of initial organization questions to make sure you are well prepared for the fieldwork and write-up.

#### *Data collection and fieldwork*

Prescribing foresters should be aware of and should assess data collection and fieldwork procedures to ensure they are adequate and appropriate for the task at hand. Please refer to the discussion on this point in the section immediately above this section.

With greater emphasis being placed on partial cutting, sufficient

field data must be collected to ensure desired levels of retention are achieved.

If the fieldwork requires an assessment beyond your level of expertise, as the prescribing forester, you must contact an appropriate specialist to assist you or to carry out the work. It is always preferable to accompany the specialist(s) during their fieldwork whenever possible.

#### *Drafting the plan*

The following measures provide advice for preparing complete and correct operational plans. This list of points is not complete, but rather provides some, minimum concepts:

- (1) The prescribing forester must have personal knowledge of the field site and conditions. The concept of personal knowledge is more fully discussed in the interpretive guide to the Code of Ethics as well as in the PATI training materials.
- (2) As a prescribing forester, if part of an operational plan deals with subject matters beyond your areas of expertise, you must consult appropriate specialists. Make sure the specialists are qualified to do the work and that, based on your experience and knowledge of the area, their results make sense to you.
- (3) A rationale in an operational plan may include citing scientific and/or technical literature (references and sources), where appropriate.
- (4) Avoid vague language.
- (5) Ensure that you have considered all stakeholder input when preparing the plan, that the plan would withstand a peer review if the professional quality were ever questioned, and, if appropriate, that proper assessment of risks and outcomes have been made.
- (6) Develop internal peer review systems which include both concept and errors and omissions reviews. Staff responsible for operational plan implementation should be involved with these reviews.
- (7) Keep copies of all ancillary documents (eg: field notes, maps, reference documents, assessments, treatment regimes, records of telephone conversations) and keep records of all work submitted or prepared for yourself, your employer or your client. This means that you may need to retain your own set of files in addition to employer or client files. These can be especially valuable in the event of future audits or questions.

## Measures for Reviewers to Carry Out Professional Quality Reviews

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Reviewers are professionally accountable for the quality of their review, not the content of operational plans. The measures listed below are for reviewers to carry out professional quality reviews. Statutory decision-makers must make unfettered decisions regarding operational plans. Placing greater reliance on professional judgement does not change the role of statutory decision-makers.

A reviewer carries out a professional quality review by:

- (a) Following the Standards of Review adopted by the Professional Accountability Task Force and explained in detail in the PATI training materials.
- (b) Recommending approval, with or without concerns, or rejection of the operational plan to the statutory decision-maker.

The following measures provide advice for reviewers to carry out professional quality reviews. This list of points is not complete, but rather provides some, minimum concepts:

- (1) Reviewers must not carry out a review for which they are not adequately qualified.
- (2) Reviewers do not reject or approve operational plans. Reviewers recommend approval, with or without concerns, or rejection, to the statutory decision-maker.
- (3) Reviews should be conducted in accordance with the Standards of Review established by the Professional Accountability Task Force and agreed to by government, industry, and the profession.
- (4) Errors or omissions (ie, mislabeling, typographical errors) are the responsibility of the prescriber and must be corrected by that person.
- (5) Reviewing and prescribing personnel should engage in mutual and respectful dialogue to develop comfort with the operational plan.
- (6) A reviewer cannot force her/his professional opinion onto that of the prescriber. If, reviewing staff have doubts about a particular element of a plan based solely on the fact they would prescribe differently or think there is a better way to achieve the end results, this alone is not a reason to recommend rejection.
- (7) Preparation of a written recommendation to reject a professional quality operational plan should be a rare occurrence. This assumes, however, that there has been proper communication between all relevant parties before submission.
- (8) Before recommending that an operational plan be rejected, the reviewer should contact the prescribing

forester to discuss the matter and to see if it can be resolved in a mutually acceptable manner.

- (9) The reviewer should contact the prescriber directly to discuss any concerns based on the Standards of Review and thoroughly record and date details of relevant telephone conversations. Good professional practice and courtesy dictates that reviewers must make themselves available to discuss any and all concerns with prescribers.
- (10) Good professional practice and courtesy dictates that the prescribing forester who signs an operational plan must be willing and available to discuss any and all concerns with reviewers. Also, the prescribing forester must arrange for relevant experts to be available to do likewise when the concern covers an area on which the prescriber has relied on expert advice.
- (11) A disagreement rooted in respectful regard, usually means that the reviewer has “no doubt”<sup>2</sup> in her or his mind that the particular element of concern is scientifically/technically unsound, will not achieve stated end results, or does not properly balance public policy issues and resource values. In this circumstance, the reviewer must provide the statutory decision-maker with a written rationale for rejection if she or he intends to recommend rejection.
- (12) The outcome of a respectful disagreement between the prescriber and the reviewer (i.e. the reviewer has “no doubt” the plan is unacceptable) is a written rationale from the reviewer to the statutory decision-maker recommending rejection. The review process cannot be delayed, nor can a reviewer “reject” an operational plan simply on the basis of a difference of opinion.
- (13) The quality of the review, including the types of recommendations to the statutory decision-maker, should be able to withstand potential peer review in the same way that the quality of a submission to be reviewed should be able to withstand potential peer review.
- (14) Government staff may want to monitor operational plans more closely for compliance or arrange joint field trips where approvals with reviewer’s concerns are given.

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<sup>1</sup> The “new culture” refers to a culture in which only professional quality work is submitted and where the “benefit of doubt” on scientific, technical issues is given to the prescriber. Benefit of doubt is more fully explained in the PATI training materials, as are each of the concepts discussed in this guide.

<sup>2</sup> “No doubt” does not mean zero doubt or the absolute absence of doubt. It is an analysis by the reviewer, based on established knowledge (not opinion), to assess risk and the consequences of failure. For example, if the risk of failure is low but the consequences are substantial, then this may trigger the “no doubt” test. If the risk of failure is high, but the consequences are not substantial, then this may not trigger the “no doubt” test.