

Draft Framework for the Use of Qualified Persons

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Prepared for:

Professional Reliance Cross-Ministry Working Group

Prepared by:

Garth Webber Atkins, Project Manager

Terje Vold, Terje Vold & Associates Consulting Ltd.

Warren Mitchell, W. Mitchell Consulting

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Introduction

The agencies that manage the use of natural resources in BC are engaged in a number of ‘streamlining’ initiatives that are intended to make the process of authorizing the use of Crown land and resources, and the administration of those authorizations, more efficient, and reduce the administrative burden for government and clients. One such initiative is that of increasing reliance on the work of registered professionals and accredited practitioners, collectively referred to here as qualified persons or ‘QPs’ (see Appendix 1).

The Professional Reliance Cross-Ministry Working Group is supporting and coordinating the appropriate use of QPs across natural resource sectors. This initiative is separate from, but similar in purpose and intended to complement, ongoing work that is focused on advancing professional reliance in specific natural resource sectors.

The Working Group has initiated dialogue with other organizations on developing a common framework to guide the use of QPs across the natural resource sectors. The Working Group intends to widen that dialogue to include other interested organizations and to complete the framework later in 2012.

The dialogue feedback received from a *Challenge Paper* and at a Stakeholder/ Government Workshop (supported by a *Workbook*) was considered in the development of this document. This *Draft Framework for the Use of Qualified Persons* is intended to stimulate further discussion and feedback with proposed next steps to move forward described. The draft *Framework* includes a vision statement and desired outcomes for the appropriate use of QPs, and describes the elements of the framework.

The Working Group has also prepared a guidance document entitled *Use of Qualified Persons: Opportunity Assessment Tool* (‘Tool’) for testing and use that complements this draft Framework report. The Tool is intended to support users in identifying appropriate opportunities for the use of QPs.

Vision

Draft Vision: A framework for the use of qualified persons that can be relied upon to help foster sound stewardship and use of the province's natural resources.

Where¹:

- Use of qualified persons' means the relying on the work or judgment of appropriate Qualified Persons (QPs) who are authorized and qualified to provide a service. Professional reliance occurs when the QPs involved are self-regulating professionals,
- 'Stewardship' is the concept of responsibly managing natural resources for the benefit of present and future generations and encouraging active participation by government and non-government organizations and individuals.
- 'Natural resources' means land, water, and atmosphere, their mineral, vegetable and other components, and includes flora and fauna on or in them.

Desired Outcomes

Draft Desired Outcomes include:

1. A shared understanding of how government and proponents may rely on the work of QPs, and a culture of mutual respect and trust.
2. More efficient and effective processes and use of limited resources.
3. Improved and timely decision-making.
4. An environment that supports innovative practices.
5. More effective application of risk management.
6. Clear accountabilities.

#1 means having respectful regard for the work and judgment of QPs but does not mean blindly accepting their work before making decisions.

#2 includes identifying and implementing ways to reduce administrative complexities (e.g. reducing the number of transaction between government and non-government) with the appropriate use of QPs when providing quality work.

#3 recognizes that QPs that provide quality work or reviews can support better and more timely decisions that improve the stewardship of natural resources and client services.

#4 recognizes that there may be more than one approach to achieve an objective, and through innovation and adaptive management, practices can improve over time.

#5 'risk management'² provides a process by which anyone can identify and assess the risks; evaluate them; develop prevention, mitigation and recovery strategies; and

¹ Adapted from Glossary of Forestry Terms in BC; March 2008

ultimately achieve their goals most efficiently. Through risk management, limited resources can be targeted in areas of higher risk.

#6 means clarity regarding the accountabilities (including roles and responsibilities) of QPs, agreement holders, and government when actions are taken, and an understanding of the consequences and liabilities should there be unacceptable performance (lack of due diligence) by either party.

Elements

Draft Elements of the Framework include:

1. Competency: to confirm QP competence is backed by appropriate education, training, and experience, and that QPs can act independently and not be fettered.
2. Clarity of expectations: with objectives, standards, guidelines, protocols and contract deliverables that direct or guide QPs who undertake work and support quality assurance, and that can be used to monitor or audit performance (to support #3).
3. Accountability: to help ensure acceptable performance with consequences if performance is unacceptable. This can be achieved through complaint resolution, C&E actions, monitoring or audits that assesses individual competence in a given discipline (scope of practice), and provides the ability to bring QPs back to acceptable performance standards.

Existing professional and accreditation bodies, in some cases supported by legislation, are responsible for administering the elements of the Framework. Where a body does not exist for a particular type of QP, and there is a need for those services, efforts should be made for existing bodies to apply the Framework to them, or if not possible to form a new body that can provide that oversight.

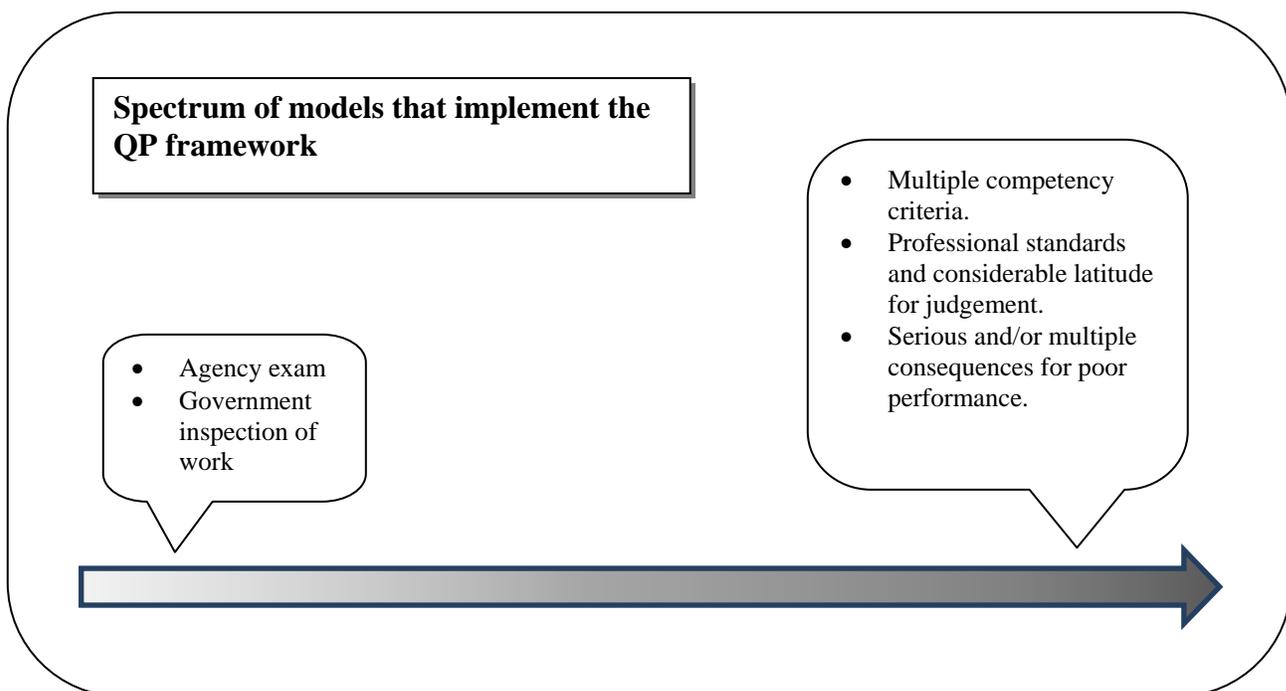
The following outlines implementation ideas for QP framework elements that a professional or accreditation body might consider:

Element	Possible mechanisms	Possible agencies to establish
Competency	<ul style="list-style-type: none"> • Exams • Educational criteria • Experience criteria • Combination of the above 	<ul style="list-style-type: none"> • Government agency • Professional association • Other party certification
Clarity of expectations	<ul style="list-style-type: none"> • Attainment of objectives (environmental, social, economic, cultural) • Standards of practice – 	<ul style="list-style-type: none"> • Government • Professional associations • Independent parties

² from *Risk Management Guideline for the BC Public Sector*

	technical and ethical <ul style="list-style-type: none"> • Regulatory requirements 	
Accountability	<ul style="list-style-type: none"> • Compliance inspections for work • Evaluation of quality of work • Evaluation of competency • Complaint process • Consequences for poor performance. • Independent evaluation of the effectiveness of the professional reliance system. 	<ul style="list-style-type: none"> • Government • Professional associations • Third party evaluators

The following illustrates a spectrum of QP models:



Responsibilities

Responsibilities for appropriate and effective use of QPs rests with:

- Professional and accreditation bodies
- Individual QPs
- Clients, employers and others
- Government

For example:

Professional and accreditation bodies help ensure each QP has core requirements to ensure members are competent and adhere to high standards. Professional regulatory bodies have the power and responsibility to discipline members and impose a range of remedies.

Individual QPs need to abide by a code of ethics/conduct, standards of conduct and direction from professional and accreditation bodies. QPs need to exercise due diligence by being prudent and careful, and carry out work to a standard that meets the test of a reasonable QP, judged by peers.

Clients, employers and others need to utilize and rely on the judgment and accountability of appropriate QPs, and support QPs to maintain competence and exercise due diligence. They also need to recognize the independence of QPs.

Government can play a role articulating and supporting a framework that serves the public interest, and clarifying respective responsibilities for the use of QPs..

Each party has an important role in working together to help make the QP framework operate in an effective and efficient manner.

Next Steps

Government and non-government organizations and individuals are encouraged to provide feedback on this draft Framework. Please send your comments to Garth Webber Atkins, Project Manager, Professional Reliance Cross-Ministry Working Group at: Garth.WebberAtkins@gov.bc.ca

In addition to the development of the Framework for the Use of Qualified Persons, the Working Group is to prepare a report by September 30, 2012 that addresses the following four topics:

1. Mechanisms for using or requiring use of QPs (e.g. statutes, policies, certification, contracting requirements) appropriate internal and external structures/organizations for certification, setting standards, and holding professionals and QPs accountable (e.g. professional associations, certifying bodies, rosters).
2. Mechanisms to assess the benefits and effectiveness of employing and relying on QPs, including clear Standards/Guidelines/protocols to measure and compare performance.
3. Monitoring and Audit systems to periodically check compliance with required statutes, policies, competencies, and standards, and effectiveness of the professional reliance and other QP models.
4. Implications for NR Sector Compliance and Enforcement Framework.

It is proposed that further discussions about the Framework be undertaken in tandem with these other four tasks. This may involve a single discussion paper that proposes an approach and solicits feedback from a wide array of organization who may be interested in or are affected by this initiative. It is expected that this will also involved one or more workshops.

The Working Group will be developing a Work Plan that details next steps and timelines. In the meantime, your ideas on how best to complete the Framework, in consideration of the other tasks the Working Group musts undertake, are appreciate. Once again please send those comments to Garth.WebberAtkins@gov.bc.ca

Appendix 1: Qualified Persons: Types and Functions

Qualified Persons

There are two main types of qualified persons (QPs):

- a. **Self-regulating professionals:** These qualified persons belong to an association that establishes the standards for membership and adjudicates eligibility and competency to practice. The association also conducts audits or investigations to evaluate the quality of members' work and administers consequences for poor performance. These professionals may or may not have an enactment that sets out the framework for the association.
- b. **Accredited practitioners:** This group includes qualified persons who have become qualified as a result of passing a test set by government or another entity, or obtaining a licence from government that entitles them to carry out a certain trade or service or activity.

Functions

Based on the working group's earlier *Inventory and status report* and considering Challenge Paper feedback, below are some of the main functions that QPs can perform:

1. Develop standards and policy
2. Gather and provide information
3. Predict impacts
4. Prepare applications
5. Prepare, review and implement plans and prescriptions
6. Design facilities and structures
7. Design operational programs
8. Supervise activities
9. Conduct activities (e.g. testing and inspecting)
10. Reporting
11. Certification
12. Consultation
13. Peer review
14. Decision-making and support
15. Monitoring and effectiveness evaluations