

Use of Qualified Persons: Opportunity Assessment Tool

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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 many functions that QPs may be used for include those listed in 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. A separate document entitled *Draft Framework for the Use of Qualified Persons* summarizes the initial dialogue and proposes next steps to move forward. The draft *Framework* includes a vision statement and desired outcomes for the appropriate use of QPs, and elements that support the use of qualified persons.

The Working Group has also been tasked with developing a tool to identify opportunities for the use of qualified persons (the ‘Tool’), which is described in this guidance document. The Tool is intended to support users in identifying appropriate opportunities for the use of QPs.

The process used to develop the Tool included (in chronological order):

- Development of a ‘straw dog’ Tool in a *Workbook* prepared to support a Working Group Workshop.
- A Working Group Workshop where feedback was obtained on the ‘straw dog’.
- The development of a *Challenge Paper* that included a draft Tool that was distributed to several organizations or individuals.
- Feedback from 52 people who provided Challenge Paper feedback through 39 submissions.
- Compilation of unattributed verbatim feedback in a *Consolidated Feedback* document that was sent to all dialogue participants.
- Development of a *Workbook* for a Stakeholder/Government Workshop that included the draft Tool and summarized the Challenge Paper feedback.
- A Stakeholder/Government Workshop attended by 34 individuals where further feedback was obtained on the draft Tool.
- Development of a draft final report, in consideration of Challenge Paper and Workshop feedback, for Working Group review.
- Completion of this report considering Working Group feedback on the draft report.

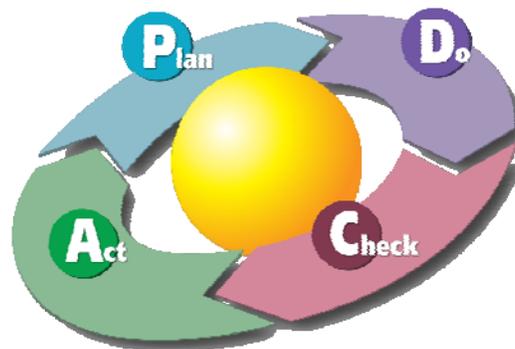
Purpose of the Tool

The Tool provides guidance for consideration. The purpose of the Tool is to:

- a. Identify appropriate and practical opportunities for the use of QPs for various functions and programs across the natural resource sectors.
- b. Provide a consistent and efficient risk-based approach that can be used effectively across the natural resource sectors.
- c. Support attainment of the vision and desired outcomes that are being developed as part of the Framework for the use of Qualified Persons

Stages: Plan, Do, Check and Act

Implementation of the Tool should be guided by using the iterative four-stage Plan-Do-Check-Act management method (also known as the Deming cycle¹) used in business for the control and continuous improvement of processes and products.



The stages in each successive cycle are:

Stage 1: Plan. Establish a plan, consistent with the purpose of the Tool, that identifies appropriate and practical opportunities for the use of QPs. Please see Step 1 in ‘Steps: Plan’ below for the range of topics that a plan might address.

Stage 2: Do. Implement the plan for the appropriate use of QPs.

Stage 3: Check. Monitor to determine if the intended desired outcomes for the plan have materialized (e.g. effectiveness evaluation). The desired outcomes for the plan will likely be consistent with the desired outcomes for the Framework but more specifically described.

Stage 4: Act. If the desired outcomes are not being realized, assess the root causes, and take corrective actions. Determine where to apply changes to improve the process. This may entail changes to the steps noted below or to the plan for the appropriate use of QPs using those steps.

¹ <http://asq.org/learn-about-quality/project-planning-tools/overview/pdca-cycle.html>

Steps: Plan

Overview of the Steps within Stage 1 (Plan)

- Step 1: Who, what and where is the tool being use for.
- Step 2: Benefits and costs from the use of QPs.
- Step 3: Risk-based need for QPs.
- Step 4: QP opportunity ranking (integration of Steps 2 and 3).
- Step 5: Develop the plan for the use of QPs.

Step 1: Who, what and where is the tool being used for.

Describe the ‘who’, ‘what’ and ‘where’ that are relevant considerations in the potential use of QPs. The descriptions below are intended to be examples; it is expected that there could be many other uses of the tool.

Who

- To encourage tenure holders or proponents to identify the appropriate use of QPs (either consultants or staff) for certain functions such as preparing applications and plans, implementation, as built, inspection testing, and reporting.
- To encourage government to identify the appropriate use of QPs (either government staff, use of consultants, or in discussions with clients how clients may use QPs in a mutually beneficial manner) to support functions such as peer reviews, providing decision-making support, and effectiveness evaluations.
- To encourage organizations representing self-regulating professionals and accredited practitioners to identify the appropriate use of QPs to government and non-government organizations.

What

- What programs or functions are not being handled in an efficient manner (e.g. they are too time consuming for staff and clients) that the Tool should be applied to?
- What are the ‘pinch-points’ (blockages/slowdowns) in the business process for a program or function where the use of QPs could assist and where the Tool should be applied?
- Are there functions where, if QPs are used by a proponent or tenure holder to prepare work of a sufficiently high quality, government either does not need to undertake a review or can undertake a more abbreviated review process?

Where

- All of BC e.g. regarding the use of QP for carrying out a particular function or activity across the province (like reporting on water quality, inventory, or changes to legislation).
- Region/district e.g. to identify areas of higher risk for particular reasons (such as wildlife sensitivity).
- Site-specific proposals or projects e.g. assessing the benefits of use and risk-based needs for QPs related to a specific major project.

Step 2: Benefits and costs from the use of QPs

Determine the benefits and costs that would accrue to either clients, applicants or government from the potential use of QPs.

Mandatory

- This ranking applies where there is a legal requirement that QPs be used to carry out a function (e.g. they are specified in laws governing professional associations, or in natural resource sector legislation).

High

- Use of QPs is expected given the nature of the tasks to be performed.
- It is unlikely that the function (e.g. plan or application) will be acceptable without a QP being involved.
- The work is complex and the solution is uncertain (e.g. there are administrative or technical aspects that suggest the use of a QP).
- Use of QPs should improve the quality of the outcome e.g. environmental and social values.
- Use of QPs is expected to result in considerable efficiencies for proponents and government.
- Use of QPs is expected to result in cost savings (e.g. appropriate quality of work and therefore potentially lower transaction costs) for clients and government.

Medium

- Use of QPs is desirable given the nature of the tasks to be performed.
- Higher quality submissions or plans are expected with the use of QPs that can expedite the review and approval process.
- The work has some complex aspects and the solution is not always clear (e.g. administrative or technical aspects).
- Use of QPs should improve the quality of the outcome e.g. environmental and social values.
- Use of QPs will result in moderate efficiencies for proponents and government.
- It is cost effective to use QPs for both the client and government.

Low

- Use QPs is not necessary given the nature of the task to be performed; however, in some instances their use will result in higher quality submissions that may streamline approvals where authorizations are required from government.
- The work is straightforward and the solution is clear (e.g. administrative or technical aspects).
- Use of QPs may improve the quality of the outcome e.g. environmental and social values.
- Costs of using QPs are not practicable given the situation (e.g. small tenure holder or client with limited resources who can't afford to hire a QP).

Step 3: Risk-based need for use of QPs

Assess the type and level of risks associated with the activity.

Potential risk factors include:

- Conflict with existing tenures or uses.
- Potential First Nations rights and title.
- Environmental conflicts or impacts.
- Conflict with another government agency’s resource management expectations or decisions.
- Tension with competing applications.
- Public concerns/opposition.
- Government remaining a knowledgeable owner.
- Failure to provide the most beneficial use of the land and resource.
- Financial costs, including revenue to the Crown and managing long-term liabilities.
- Availability of standard or related documents such as best management practices.
- Consequences of similar past decision.
- Cumulative effects including climate change.

Risk rating² helps identify opportunities for new or improved use of QPs based on an assessment of the relative risk of a function or program being carried out in regard to Crown land and resources. Risk analysis is the process of calculating the likelihood of an event and the consequences if it were to occur.

Likelihood: is the chance that the risk event identified will actually occur		
Score	Descriptor	How Likely (%)
1	Improbable - rare	Less than 5
2	Unlikely	5 - 25
3	Possible	25 - 55
4	Likely	55 - 90
5	Almost certain	90 - 99

Consequence: is the severity of effect upon goals, objectives, or values		
Score	Impact	Descriptor
1	Insignificant	Negligible effects
2	Minor	Normal administrative difficulties
3	Significant	Delay in accomplishing program or project objectives
4	Major	Program or project re-design, re-approval and re-do

² Adapted from *Risk Management Guideline for the BC Public Sector* by Province of BC (November 2010). That document supports the CAN/CSA ISO 31000 *Risk Management – Principles and Guidelines* - the international standard for risk management.

		required. Fundamental re-work before objective can be met
5	Severe/Catastrophic	Project or program irrevocably finished; objective will not be met

The ranking of the Likelihood X Consequence results in the risk ratings (low, medium, high, and extreme) as follows:

5	Low	Medium	High	Extreme	Extreme
4	Low	Medium	High	High	Extreme
3	Low	Medium	Medium	High	High
2	Low	Low	Medium	Medium	Medium
1	Low	Low	Low	Low	Low
Likelihood	1	2	3	4	5
	Consequence				

The Assessment Tool assumes that the use of QP can help to offset the potential risk. Therefore, the risk ratings are viewed as the **risk-based need** for use of QPs.

Step 4: QP opportunity ranking (integration of Steps 2 and 3)

Categorize the opportunities for the appropriate use of QPs as follows:

Mandatory	Required	Required	Required
High	Category B	Category A	Category A
Medium	Category C	Category B	Category A
Low	Category C	Category C	Category B
Benefit/Cost -based Need	Low	Medium	High/Extreme
	Risk-based Need		

Here are two examples of how the opportunities may be different in each of the categories:

(i) Approving an application and plan for use of Crown land or resources:

	Proponent	Government
Category A	Specialized or highly experienced QP needed to support proposal given risks and needs, and propose actions to minimize, mitigate or compensate potential impacts.	Specialized or highly experienced QP needed to carefully review proposal given risks and needs, and to prepare decision package for statutory decision-maker. It may be doubtful the proposal will be accepted as potential impacts

	If appropriate QP not used.....	need to be adequately addressed.
Category B	Where QP is used, the application is more likely to be completed and correct thereby reducing transaction costs for both proponent and government. If QP not used...	Government review but there is respectful regard for the proponent's QP particularly as trust is built and earned based on past practices. Government may need to undertake a more thorough review of the proposal.
Category C	Where QP is used that follows straightforward guidance.... If QP not used....	There may be no government approval needed (e.g. perhaps notification is sufficient), or fast tracked approval process. Government approval may be needed and may not get fast tracked.

(ii) Monitoring and reporting requirements of Crown land tenure are provided:

	Proponent	Government
Category A	Specialized or highly experienced QP needed to monitor and report given risks and needs, and potential impacts. If appropriate QP not used.....	Specialized or highly experienced QP needed to carefully review monitoring results and report proposal given risks and needs, and advise statutory decision-maker of potential impacts or concerns. The monitoring may not be done correctly and the reporting may not be accurate.
Category B	Where QP is used, the monitoring is more likely to be undertaken correctly, and reporting accurate. If QP not used...	Government review but there is respectful regard for the proponent's QP particularly as trust is built and earned based on past practices. Government may need to undertake a more thorough review of the monitoring methods and findings, and the report.
Category C	Where QP is used that follows straightforward guidance If QP not used....	There may be no government approval needed (e.g. perhaps acceptance is sufficient), or fast tracked review process if required. Government approval may be needed and may not get fast tracked.

Step 5: Develop the plan for the use of QPs

If QPs are available consistent with the QP framework (which is expected to be developed in 2012), go to Plan A.

If QPs are not available or key aspects of the framework are lacking for the function or activity being assessed then go to Plan B.

Plan A. The plan for the appropriate use of QPs for a particular function or activity should be developed collaboratively with government, QP organizations and industry. Plan considerations could include:

- Ensure that required opportunities are being delivered consistent with legal requirements.
- Focus the development of appropriate opportunities on functions where there are streamlining opportunities for both clients and government.
- If a PR framework is suitable but some aspects ideally should be improved, address this in the plan e.g. guidance documents exist but should be updated to support QPs carrying out key functions.

Once Plan A is developed, then the Do (implement plan), Check and Act stages of the continuous improvement (Deming) cycle follow e.g. are the framework's desired outcomes being achieved and the vision being realized?

Plan B. Where no QPs are available, or where key aspects of the PR framework are lacking, and there are appropriate opportunities to use PR for a particular function or activity, consider developing a plan with an appropriate QP organization and industry to help address the issue. Plan considerations could include:

- If QPs exist but they are unavailable because they are fully engaged in other activities, communicate the issue with the respective QP organization and assess collaboratively opportunities to increase QP supply.
- If there is not an existing accredited body for a function or activity where a new type of QP is needed, communicate the issue with the closest aligned QP organization and assess collaboratively opportunities to develop that accreditation.
- If a key aspect of the PR framework is lacking for the function or activity being assessed (e.g. no guidance documents exist), then communicate the issue with the appropriate QP organization and assess how that aspect of the framework can be addressed.

Once Plan B is developed, then the Do (implement plan), Check and Act stages of the continuous improvement (Deming) cycle follow e.g. are QPs now becoming available? Have any framework concerns been resolved?

Next Steps

Government and non-government organizations are encouraged to pilot test version 1 of the Appropriate Use of Qualified Persons: Opportunity Assessment Tool, and to report back on how the Tool can be improved. Please describe your experiences using the Tool and how it can be improved to Garth Webber Atkins, Project Manager, Professional Reliance Cross-Ministry Working Group at: 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