



RECOMMENDATIONS

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Definitions

“Board staff” – staff employed by the Forest Practices Board.

“Board” – the Forest Practices Board organization as a whole, and includes Appointed Board members and Board staff.

“Chair” – Chair of the Forest Practices Board.

“Panel” – a subset of the Appointed Board assigned by the Chair to deal with a specific matter.

“Panel Chair” – a member of a panel assigned by the [Board] Chair to chair the panel.

“Party” – government, or the holder of a licence under the *Forest Act* or the *Range Act*.

“Participant” – any person or organization named as a participant in a complaint investigation, in the notification letter.

1. Purpose

This policy guides the development of recommendations and the consideration of responses to recommendations under sections 131 to 134 of the *Forest and Range Practices Act* (FRPA).

2. Objectives

This policy is intended to ensure:

1. A consistent approach to the development of recommendations and the evaluation of responses to recommendations.
2. Recommendations are effective and responses are appropriate.
3. Transparency in Board process around recommendations.

3. Legislation and Regulations

Forest and Range Practices Act

Report and recommendations

- 131** (1) Subject to subsection (1.1), after completing an audit or investigation, the board must report its conclusions, with reasons, to any complainant, to the party and, if the government is not the party affected by the audit or investigation, to the ministers.
- (1.1) If an audit or investigation referred to in subsection (1) includes more than one party, the board may report its overall conclusions without reporting on compliance by each party.
- (2) If the board makes a report under subsection (1), it may make recommendations it considers appropriate.
- (3) Without limiting subsection (2), the board may make any of the following recommendations:
- (a) a matter be referred to the appropriate party for further consideration;
 - (b) an act be remedied;
 - (c) an omission or delay be rectified;
 - (d) a decision or recommendation be cancelled or varied;
 - (e) reasons be given;
 - (f) a practice, procedure or course of conduct be altered;
 - (g) an enactment or other rule of law be reconsidered;
 - (h) any other steps be taken.
- (4) Without limiting subsection (1), the chair may, if the regulations provide and in the manner they provide, make an application under section 83 for an appeal of a determination or failure to make a determination.

Party to notify board of steps taken

- 132** (1) If the board makes a recommendation under section 131 the board may request that the party notify it within a specified time
- (a) of the steps that have been taken or are proposed to be taken to give effect to its recommendation, or
 - (b) if no steps have been taken or are proposed to be taken, of the reasons for not following the recommendation.
- (2) If, after considering a response made by a party, the board believes it advisable to modify or further modify its recommendation, the board must notify the party and the complainant of its recommendation as modified and may request that the party notify it
- (a) of the steps that have been taken or are proposed to be taken to give effect to the modified recommendation, or
 - (b) if no steps have been taken or are proposed to be taken, of the reasons for not following the modified recommendation.

- (3) The party must respond promptly to the board's request under subsection (1) or (2).

Report of board if no suitable action taken

- 133** (1) If, within a reasonable time after a request by the board under section 132, no action is taken that the board believes adequate or appropriate, the chair may, after considering any reasons given by the party,
- (a) submit a report on the matter to the ministers, and
 - (b) after submitting a report under paragraph (a), submit a report to the Lieutenant Governor in Council respecting the matter.
- (2) The chair
- (a) must attach to the report a copy of the board's recommendation and any response made to the board under section 132,
 - (b) must delete from his or her recommendation and from the response any material that would unreasonably invade any person's privacy, and
 - (c) may in his or her discretion delete material revealing the identity of a member, an officer or an employee of a party.

Complainant to be informed

134 After a complaint investigation, if the board makes a recommendation under section 131 or 132 (2) and no action that the board believes adequate or appropriate is taken within a reasonable time, the board must inform the complainant of its recommendation and make such additional comments as it considers appropriate.

4. Application

This policy applies to Board staff and Appointed Board members.

5. Policy

5.1 Need for Recommendations

The Board Panel, or Chair if acting as the panel, will determine if recommendations will be made, taking into consideration the significance and potential impact of the recommendations. Recommendations will be consistent with the Board's "Recommendations Checklist".

5.2 Opportunity for Feedback

Parties may be provided an opportunity to provide feedback on recommendations before they are finalized. Feedback is specifically intended to determine if recommendations are directed to the appropriate entity, will be effective in addressing the underlying issues, and are feasible or otherwise effective.

5.3 Required Response and Timeline

Parties will normally be requested to respond to recommendations. The deadline for response will be decided by the Panel Chair, and will vary with the nature of the report and its recommendations. Generally, recommendations that require operational action that are easily within the control of a party should have shorter response timeframes. Broad and strategic changes, especially those that will affect multiple interests and parties, require shifts in policy or even legislation, or require consultation with the public or engagement with Indigenous governments, will warrant longer response times.

The Board will ask parties to provide: 1) a definitive statement of whether the party accepts, partially accepts, or rejects the Board's recommendations; and 2) reasons why.

The Board will provide guidance to parties on effectively responding to recommendations.

If a party requests an extension to the deadline for responding to a recommendation, the Panel Chair will decide the matter.

5.4 Assessment of Response

The Panel that made the recommendations will assess the response and decide next steps, if any, taking into consideration the significance and potential impact of the recommendations. If none of the panel members who made the recommendations are still Board members at the time the response is received, the Chair will assess the response and decide next steps, if any.

Actions that a panel may take typically will include:

- Close the file; if a response is clear and complete, the file will normally be closed
- Request additional information; If the response is unclear, the panel may request additional information. Before requesting additional information, the panel will consider if the additional information will materially change the nature of the response or significantly improve the public's understanding of the actions being taken.
- Continue to monitor the response to a recommendation.

The panel's actions will be documented in a letter to the party.

In some circumstances the panel may conclude that further steps need to be taken related to the original investigation and recommend to the Board as a whole that a new investigation be commenced. If so, the panel chair will report to the Board as a whole, and the decision on whether to undertake a new investigation will be made as part of the boards annual planning cycle.

If a panel believes that the response is inadequate, and the consequences of not implementing the recommendation(s) represent a significant risk to the environment, public safety or public confidence in forest and range management, the panel may recommend to the Chair that a report be provided to the Minister and the Lieutenant Governor in Council.

5.5 Publication of Responses to Recommendations

Responses to recommendations by a Party will be published on the Board's website, along with the Board's closing letters, and the original reports.

5.6 Roles and Responsibilities

Chair

- When the Chair is the panel for an audit or investigation;
 - Determine if the report will include recommendations and the timeline for responding to the recommendations.
 - Determine whether to extend the time for response to recommendations when requested.
 - Decide on the adequacy of responses to recommendations and any further steps to be taken.
 - Decide whether to report to the Ministers and the Lieutenant Governor in Council.
- If directed by a panel, report to the Ministers and the Lieutenant Governor in Council.

Panel Chair

- Determine the timeline for responding to the recommendations.
- Determine whether to extend the time for response to recommendations when requested.
- Decide on the adequacy of responses to recommendations and any further steps to be taken.
- Decide whether to report to the Ministers and the Lieutenant Governor in Council.

Appointed Board Members

- When acting as a panel for an audit or investigation, determine if the report will include recommendations.
- Decide on the adequacy of the response to recommendations and any further steps to be taken.

Executive Director

- Approve procedures and guidance documents necessary to implement this policy.

Directors responsible for Audits and Investigations

- Ensure program staff adhere to established procedures for preparing and analyzing responses to recommendations.

Communications Staff

- Ensure all responses to recommendations are published and maintained on the Board website, or such other public repository that may be established.

6. Procedures

TBD

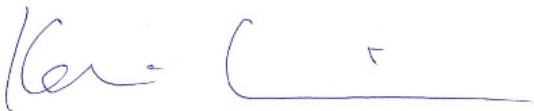
7. References

- CARM (2017)
- CIRM (draft 2019)
- Recommendations checklist (add date)
- Guidance for responding to recommendations
- Recommendation response briefing note template (TBD)
- Recommendations response letter template (TBD)

8. Document Control Information

Policy Type/ inventory index reference #/Name in index	A. Governance/A.?./Recommendations
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Approved by:



Kevin Kriese, Chair
Forest Practices Board