

COMPLAINT INVESTIGATION REFERENCE MANUAL

Version 4.0



November 2006

TABLE OF CONTENTS

1.0	INTRODUCTION	3
2.0	MISSION, VALUES & GUIDING PRINCIPLES	3
3.0	BOARD'S AUTHORITY	4
4.0	INVESTIGATIONS.....	6
5.0	SCOPE & NATURE OF COMPLAINTS.....	7
6.0	COMPLAINT INVESTIGATION PROCESS	8
7.0	RELATED MATTERS	11
7.1	<i>Anonymous Information.....</i>	11
7.2	<i>Requests for Anonymity (confidentiality)</i>	11
7.3	<i>Who May File a Complaint?</i>	12
7.4	<i>Dealing with Agents.....</i>	12
7.5	<i>Conflicts of Interest.....</i>	12
7.6	<i>Withdrawing Complaints.....</i>	12
7.7	<i>Criteria to Stop Investigating</i>	13
7.8	<i>Timeliness</i>	14
7.9	<i>Issues Arising during an Investigation that are Unrelated to the Complaint.....</i>	14
7.10	<i>Complaints and Requests for Appeals</i>	14
8.0	RESOLUTION.....	15
9.0	REPORTING.....	16
10.0	FOLLOW-UP.....	17
11.0	MEDIA.....	18

1.0 INTRODUCTION

The investigation reference manual has been prepared to:

1. inform parties, affected persons, potential complainants and interested persons of the Forest Practices Board's complaint investigation process;
2. help complaint analysts exercise delegated responsibilities; and
3. ensure that the Forest Practices Board is consistent in its investigation practice.

Further information about the operation of the Forest Practices Board, its policies and activities can be found at <http://www.fpb.gov.bc.ca>.

The Forest Practices Board can be contacted at:

3rd Floor - 1675 Douglas Street
PO Box 9905, Stn Prov Gov't
Victoria, British Columbia
Canada V8W 9R1

PHONE: 250-387-7964
TOLL FREE: 1-800-994-5899
FAX: 250-387-7009

E-Mail - FPBoard@gov.bc.ca

2.0 MISSION, VALUES & GUIDING PRINCIPLES

In 1995, the provincial government created the Forest Practices Board (the Board) as an independent public agency under the *Forest Practices Code of British Columbia Act* (the Code). In 2004, the Provincial Government continued the Board's mandate in the *Forest and Range Practices Act* (FRPA) and, later in 2004, added a role for the Board in the *Wildfire Act* (WA). Collectively, all three acts are referred to in this manual as "forest practices legislation."

Mission Statement

The Board serves the public interest as the independent watchdog for sound forest and range practices in British Columbia.

Fundamental Purposes

In fulfilling its mission, the Board encourages:

- sound forest and range practices that warrant public confidence;
- fair and equitable application of forest practices legislation; and
- continuing improvements in forest and range practices.

Values and Guiding Principles

The Board applies principles, reflecting key organizational values, as a guide for day-to-day practices and operations. The Board:

- acts on behalf of the public interest;
- is straight forward in its approach;
- emphasizes solutions over assigning blame;
- behaves in a non-adversarial, balanced manner;
- treats all people with respect, fairness and sensitivity;
- performs in a measured, unbiased and non-partisan manner;
- carries out its mandate with integrity and efficiency;
- provides clear and concise reports to the public;
- bases actions and decisions on knowledge, experience and common sense; and
- is accessible and accountable.

3.0 BOARD'S AUTHORITY

The forest practices legislation defines the Board's responsibilities. It gives the Board authority to investigate, audit, review and appeal some administrative decisions, to report publicly and make recommendations about forest and range management decisions and actions on public forest and rangelands. However, these roles and responsibilities apply only to specific activities—those set out in Parts 3-6 of the Code, Parts 2-6 of the FRPA and Parts 1-3 of the WA.

In regard to complaints from the public, the Board can investigate complaints respecting:

- compliance with legislative requirements for operational planning, forest and range practices and protection of forest and range resources by forest companies and government; and
- appropriateness of government's enforcement of forest practices legislation.

The Board can normally only investigate matters that arise on public lands, but it can investigate forest and range practices on some private land as well—private land that is

included in tree farm licences or woodlot licences. The Board cannot investigate forest or range practices on other private land.

It is important to realize that the Board can simply investigate and report. It cannot overturn decisions, delay or stop work, lay charges or levy penalties. However, that inability to force government or licensees to act gives the Board additional flexibility. The BC Court of Appeal in 2001 noted that the Board has expertise in forestry and is uniquely positioned to see what is happening on the ground on the province's public forestlands. Stressing the inability of the Board to force parties to do or not do anything, the Court said that the Board was entitled to "a considerable degree of deference to the views of the Board itself about (its authority)." In other words, the Board is free to investigate and report on matters that are important to the participants, even if those matters, although related to the Board's mandate, may be somewhat beyond that mandate.

The Board's responsibilities concern activities of "parties," defined as licensees and government. More specifically, the Board can investigate the forest practices legislation-regulated activities of:

- agreement holders under the *Forest Act* and *Range Act* (forest companies, mineral exploration companies, oil and gas exploration companies, ranchers and woodlot owners operating on Crown land or on the private land portions of tree farm licences or woodlot licences, as well as forest companies operating under the BC Timber Sales Program);
- five government agencies (Ministry of Forests and Range; Ministry of Environment; Ministry of Agriculture and Lands; Ministry of Energy, Mines and Petroleum Resources and Ministry of Tourism, Sports and the Arts in certain situations) responsible for the administration and enforcement of the forest practices legislation; and
- some aspects of the BC Timber Sales Program.

If the complaint concerns a matter that is clearly beyond the Board's investigation authority, an analyst will suggest other options for the complainant, such as contacting the Office of the Ombudsman or a member of the legislative assembly.

In investigations and audits, the Board must report findings and conclusions to the participants and the ministers. All reports are made available to the public on the Board's website. It must also report any recommendations the Board decides to make. The Board follows up on recommendations by asking the relevant party, usually within a year, to notify the Board of steps taken in response. If there has been inadequate response, the Board can report further to the ministers and to Cabinet.

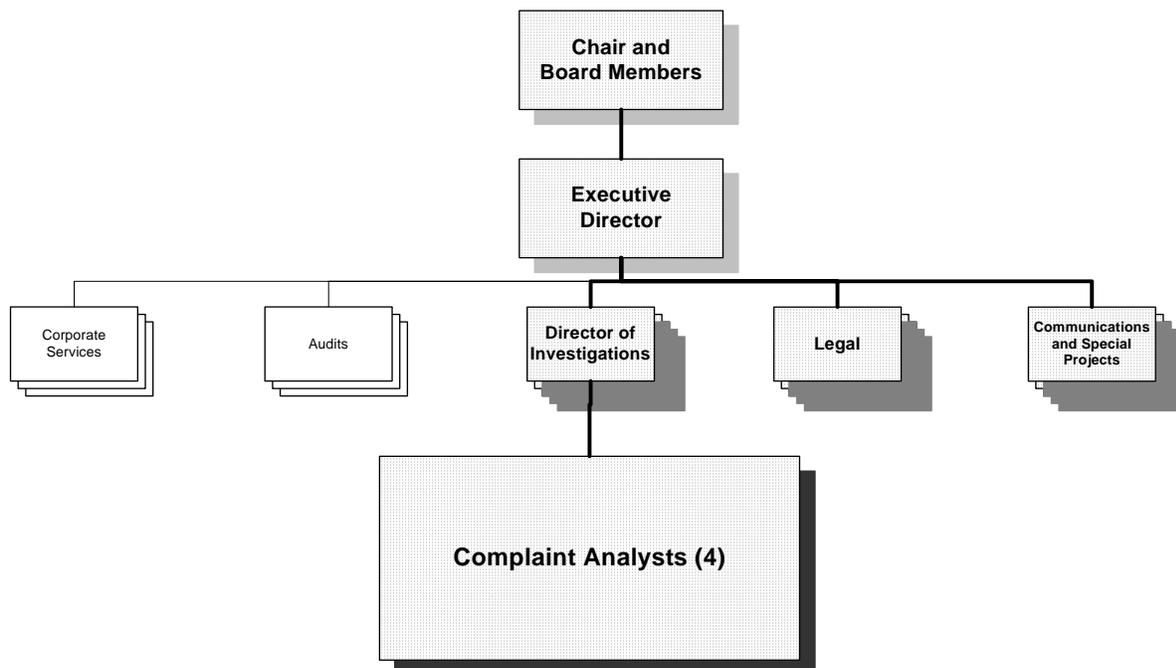
4.0 INVESTIGATIONS

The Board must deal with complaints from the public and may initiate special investigations. Before and during an investigation, the Board attempts to bring participants together and encourage them to find solutions to all or some of the issues raised in a complaint. If the complaint cannot be resolved, the Board will complete an investigation and may make recommendations in a report to the participants. It normally will also publish the report and make it available on its website.

An investigation is a flexible process, with a complaint analyst trying to most effectively deal with the specific issues that confront the participants in each complaint. Nevertheless, an investigation tends to involve a sequence of steps, from the first enquiry to final reporting. This section describes and explains that process in detail.

The investigation process includes activities and responsibilities of Board members and of staff that assist the Board. In this manual, the term “Board” refers only to the appointed Board, including the Board Chair, but not staff. “FPB” refers to the entire organization of Board and support staff. “Analyst” refers to complaint analysts who are Board employees or, rarely, contractors who investigate complaints for the Board. The organizational structure is shown below.

Board Staff Involved in the Complaint Investigation Process



The Board can carry out two types of investigations – special investigations and complaint investigations.

The Board can carry out special investigations of a party's (government or license holders, such as forest companies) compliance with Parts 2-5 of the FRPA or of the appropriateness of government enforcement under Part 6, plus similar parts of the Code and WA. The nature and subject matter of special investigations varies; they can be undertaken by any section of the FPB (Investigations, Audits or Special Projects) or by a combination. The nature of each special investigation will determine the most effective approach. When the Board initiates a special investigation, the Board's authority to obtain information and its obligations to report are almost identical to those for complaint investigations.

The Board must deal with complaints from the public. In practice, the FPB begins to investigate every complaint that appears to be related to its jurisdiction. However, an investigation can be stopped at any time if the Chair believes that one of five circumstances exists (see section 7.7 – Criteria to Stop Investigating).

5.0 SCOPE & NATURE OF COMPLAINTS

Section 5 of the *Forest Practices Board Regulation* restricts the matters on which a person may make a complaint to the Board:

- a) *a party's compliance with the requirement of Parts 2-5 and 11 of the Act and the regulations ... made in relation to those Parts, (Part 11 deals with a transition period until the end of 2006, during which some of the Code remained in force);*
- b) *the appropriateness of government enforcement under Part 6 and 11 of the Act.*

Section 6 of the regulation sets specific requirements for a valid complaint. A complaint must be in writing, contain the name and address of the complainant, the grounds for the complaint, and a statement describing the relief requested. In addition, the Board asks that a complainant sign the complaint.

Section 7 of the regulation requires that the FPB send back a deficient notice of complaint if there is missing information in the original complaint submission. Staff will explain the deficiencies (in writing) and invite the complainant to resubmit the complaint with the missing information. On the basis of a concern, even without an actual notice of complaint, an analyst may start some exploratory work, talking to the participants to determine the issues at stake and the history among the parties. However, an analyst will normally will not start a full investigation until a notice of complaint has been filed that complies with the regulation.

6.0 COMPLAINT INVESTIGATION PROCESS

Although the investigation process is flexible and adaptable to the specific circumstances of each complaint, an investigation typically proceeds through a series of steps. Subsequent sections provide more details on some aspects.

1. A member of the public contacts the FPB with a concern. If it involves something that might be within the Board's authority to investigate, the person is referred to the FPB's website for a Notice of Complaint form. Upon request, the FPB will fax or mail the form, with an explanatory brochure. If the concern involves something that the Board could help with, an analyst will informally begin some exploratory work, talking to the participants to clarify the issues at stake and the history among the parties, and attempting to help resolve the matter.
2. If a Notice of Complaint is received, staff checks it for completeness. If all the information is included, staff acknowledges receipt of the complaint in writing and an analyst is assigned to investigate the complaint.
3. Complainants are asked to describe their problem with reference to forest practices legislative provisions if possible. However, the legislation is complex, so analysts will help to explain the law and help frame the complaint issues in legislative terms if necessary.
4. The analyst contacts the participants to more fully understand the issues. In order to investigate thoroughly, the analyst discusses all relevant details with the participants. If requested, the analyst will normally distribute the notice of complaint to other participants to help them understand the complaint. However, a notice of complaint will not be distributed if that might reveal the identity of an anonymous complainant; see section 7.2. In addition, a notice of complaint may not be circulated if its language is so accusatory that it may make a dispute worse rather than allow resolution. The FPB prefers to have a dispute resolved rather than investigating and reporting on a complaint, so the analyst will encourage problem solving throughout the process. The analyst describes what the Board can and cannot do given the circumstances of the specific complaint.
5. If the complainant has made some reasonable effort to resolve the matter and still wishes to have the Board investigate, the analyst sends a notification letter to all involved parties to advise that they are participants in a filed complaint. The notification includes a brief summary of the nature of the complaint and the name of the analyst doing the investigation, with contact information. It also explains that the Board does not represent the complainant; it is neutral and objective.

6. Soon after the notification letter has been received, the analyst calls each participant to collect additional information to clarify the issues in the complaint. An analyst's call informs participants about details of the complaint, providing enough information that each participant can respond effectively; and summarizes and answers any questions about the complaint investigation process. Discussion at this early stage can indicate options for resolution. For example, a discussion of the complaint may clarify a misunderstanding or indicate that a participant is willing to reconsider issues in dispute. The analyst will help to encourage potential resolutions.
7. After initial discussions, the analyst considers what aspects of the complaint are related to the Board's jurisdiction and whether the complaint concerns a matter which the Board can appeal. An appeal may be preferable because, unlike the Board, the Forest Appeals Commission can change a decision made under the forest practices legislation.
8. The analyst also considers whether there are reasons to immediately stop the investigation. There are limited reasons that the Board can stop an investigation; detail is provided in section 7.7. The Chair, on behalf of the Board, writes to participants to advise if the Board decides to stop an investigation.
9. The analyst continues to consult with participants to try to resolve a dispute during the investigation. The director of investigations ("director") discusses the initial investigation findings with the analyst to determine an approach that is likely to work best in each specific investigation.
10. If a typical investigation is the best approach, the analyst carries out formal interviews with participants, examines relevant documents and e-mails and may do a field investigation. Investigation procedures will vary from file to file, but normally include:
 - i) interviews with all participants individually, assisted by another Board staff member as note taker (for both transparency and accuracy, all interviewees are promptly sent the notes of their interview, for comments and corrections);
 - ii) review of documents that trace the development of the action or decision of concern;
 - iii) office visits (at least once, sometimes more); and
 - iv) site visits, if the complaint is site specific.
11. If there appear to be issues, such as strategic or controversial matters, arising from the investigation, those are referred to the Board chair or a panel of Board members for direction.

12. The analyst next prepares a draft report with the facts and history, tentative findings and possible conclusions and recommendations. The analyst invites all participants to continue to discuss issues; the FPB has a 1-800 phone number and analysts are available by e-mail, either directly or through the FPB's website. This discussion is to ensure that the analyst correctly understands the facts and to clarify any facts that are in dispute.
13. The analyst's draft report goes through several rounds of peer review by other Board staff and can go through a legal review. As a result, the draft report is progressively re-organized and revised.
14. Every person or party that may be adversely affected by any part of the draft report is given a chance to respond to the director in a process called "representations." The Board chair determines who is entitled to make representations and decides the method and timing of representations. Representations must normally be made in written form within several weeks. In special circumstances, a party or person can be allowed to make oral representations.
15. The director decides how best to deal with the representations and informs the Board chair or panel. Direction is also provided on follow-up provisions such as deadlines for parties to notify the Board of steps taken in response to any recommendations.
16. The analyst produces a draft final report or closing letter, which is reviewed by executive Board staff. Once approved, the report or closing letter goes to the Board chair for final approval.
17. An advance copy of the report or closing letter goes to the complaint participants, typically a day before public release. An advance copy of a report, but not of a closing letter, is also sent to the ministers. On the day of release, the report is sent out to various stakeholder groups and is posted on the Board's website. A news release may be issued and, for particularly significant reports, the Board can hold a news conference.
18. Soon after public release, the director sends a letter to each participant who made representations to explain generally how the representations were dealt with.
19. If the report includes recommendations, the analyst tracks the response and will request follow-up information as necessary. If no earlier response deadline has been set out in the report, follow-up occurs automatically after one year. Responses to recommendations are discussed with the complainant. The Board may publish parties' responses to recommendations and the Board's reaction to those responses as well.

7.0 RELATED MATTERS

7.1 Anonymous Information

The FPB will not proceed on information provided by someone who will not identify himself or herself to an analyst (not to be confused with complainants identifying themselves but then requesting anonymity during the investigation process itself—for that situation, refer to the following section). Section 6 of the *Forest Practices Board Regulation* requires that a complainant provide his or her name and address to the Board.

7.2 Requests for Anonymity (confidentiality)

A complainant may be willing to identify himself or herself to an analyst but ask that his or her name not be disclosed to parties during and after a complaint investigation.

Persons wanting anonymity are advised that an analyst can accept a complaint or proposed complaint on an interim basis until the Chair decides whether to grant anonymity: e.g., “I won’t sign the form till I know that you agree to protect my name.” However, analysts will not begin to investigate a complaint by a person wanting anonymity until the Chair has decided whether the complainant can remain anonymous. Persons concerned that their identification may result in reprisals are advised that:

- i) the Chair, on behalf of the Board, **may** agree to keep a complainant anonymous, but cannot ensure that a party will not guess identity. It is also possible that the FPB would have to disclose a complainant's identity by order of a court or the Information and Privacy Commissioner.
- ii) FRPA gives some protection on privacy issues. Evidence given to the FPB cannot be used in a court against the person providing it (with some exceptions). There is also some protection against discrimination for whistleblowers. However, complainants must decide for themselves whether those provisions provide adequate protection in their circumstances.

Although concerned persons must identify themselves to FPB staff before a complaint will be investigated, there are ways for an analyst to deal with a problem without a complaint or complainant. If the issue involves pressing matters such as serious risks of harm to the environment or to public confidence in the forest practices legislation, the analyst can:

- refer the issue to a government agency or other public body that has jurisdiction to act;
- refer the issue to a forest company; or
- if the issue is generally related to the Board’s jurisdiction, recommend to the Chair that the Board initiate a special investigation.

7.3 Who May File a Complaint?

Provincial residents typically file complaints but the FPB can consider complaints from any person, regardless of residency or citizenship.

Public employees may file a complaint, on their own behalf or on behalf of a public agency. However, if a public employee files a complaint on behalf of the agency he or she works for, the FPB will first confirm with a senior manager in that agency whether the agency is willing to have the complaint filed.

7.4 Dealing with Agents

The FPB prefers to deal directly with those persons who are involved with the operational plans, forest and range practices or enforcement actions at issue. However, sometimes a person prefers to use an agent to maintain privacy, overcome a language difficulty or help to describe technically-complex issues.

The FPB will deal with participants, parties and complainants through agents if requested. Copies of significant written correspondence normally will be sent to the complainant as well as the agent.

7.5 Conflicts of Interest

The FPB has a strict conflict of interest policy that requires Board members and staff to declare whether they might have a real or even a perceived conflict of interest with each complaint file. All individuals with a conflict are prevented from any involvement with the complaint.

All internal materials display the names of all individuals with a declared conflict of interest. Anyone with a conflict of interest will have access only to general information about the complaint, information that is available to the public (e.g., posted on the FPB's website), and not until it is available to the general public.

7.6 Withdrawing Complaints

Complainants sometimes want to withdraw a complaint. Alternatively, an analyst may ask that the complainant consider withdrawing a complaint if the matter appears to be well beyond the Board's jurisdiction or completely unsubstantiated. Requests for withdrawal are not automatically granted; they must be considered by the Chair (under section 123(2) of FRPA). The Board operates in the interests of the general public, so the Chair may decide to continue an investigation in the public interest even if the complainant wants to withdraw.

7.7 Criteria to Stop Investigating

An investigation will be stopped if the Board determines that it has no authority to investigate; see section 3.0 for the Board's authority. If the Board has the authority to investigate the complaint, the FPB must do so unless the Chair believes that the investigation should be stopped because at least one of the following five factors applies:

1. Is the matter more than a year old? The Chair will consider not only how "old" a matter is and how long the complainant has known, or should have known, of the problem, but also when the complainant learned that he or she could contact the FPB.
2. Is there another adequate legal or administrative remedy available that the complainant should have tried? The Chair will consider:
 - that existing administrative procedures include more than just formal review or appeal. Should the complainant simply have discussed the concern with the decision-maker?
 - that failure to use another process does not always mean that the Chair should recommend that the Board not investigate. A complainant may have valid reasons for not using a process. For example, urgency might not have allowed the time to go through an available procedure.
 - is the complaint frivolous, vexatious, not made in good faith or concerning a trivial matter? (This will rarely apply because the frivolousness or vexatiousness must be plain and obvious, such as when the intent is clearly only to annoy or embarrass.)
3. Is further investigation actually necessary? The Chair may consider that a previous investigation has already dealt with the issues. Another example would be when undisputed facts obtained during the initial investigation are enough to decide the matter; if so, the Board could simply report the conclusion without further investigation.
4. Could an investigation actually help the complainant? For example, if the complaint is about something in the past and the law has already changed to prevent recurrence of the problem, an investigation would not be beneficial to the complainant.

The Chair's opinion on reasons to refuse to investigate does not automatically settle the matter. The Board considers the Chair's opinion and decides whether or not to stop investigating.

7.8 Timeliness

An investigation can be unsettling and have a disruptive effect on a party's operations and on individuals. In addition, complaints usually arise from a dispute, so it is important to participants that the Board expresses its views as quickly as possible. Therefore, the FPB will produce reports in a timely manner, while maintaining standards for clarity, thoroughness and fair process.

The analyst remains accessible throughout the investigation so that all the participants can remain informed about the process and stage of the investigation. The analyst will provide periodic updates, but the onus is on each participant to ask about progress.

Remaining informed is important because an investigation is a dynamic process. Some issues can be resolved and the scope of each investigation is adjusted in response to new information, so the investigation can change focus as it proceeds.

Complaint investigation reports, although available to the general public on the website, are written for complaint participants. The reports can be technical and complex if the complaint issues have those attributes—they are not simplified or revised for communication with the general public. This expedites completion of investigations and sharing of Board conclusions in a transparent and timely manner.

7.9 Issues Arising during an Investigation that are Unrelated to the Complaint

While gathering information relevant to a complaint, an analyst may discover information about issues not included in the original complaint. Though not seeking such information, the analyst will not ignore it. The analyst may ask the director to decide whether to expand the investigation as a result. If the investigation is significantly expanded, the analyst will provide written notice to the participants. Alternatively, the information could lead to a separate special investigation or appeal which would include appropriate written notice.

An investigation can also occasionally reveal a special circumstance called a "significant breach". This arises when non-compliance with the forest practices legislation, or failure of government to enforce that legislation, has caused or is beginning to cause significant harm to persons or the environment. Analysts are required by regulation to investigate probable significant breaches and report to ministers and others if they confirm that such a condition exists. If an analyst finds a significant breach, the analyst will report to the Board and the Board will inform the ministers and parties to the investigation.

7.10 Complaints and Requests for Appeals

Complaints sometimes concern a decision by a government official that the Board could appeal. In that case, the Board has a choice about how to proceed: appeal or investigate. Often, a complainant will prefer an appeal because an appeal can actually overturn the

decision that led to the complaint. (That cannot be done through a complaint investigation.) However, the Board carefully considers several factors in deciding which route to use.

Under FRPA, the Board has the right to appeal some decisions made under FRPA. If the Board has the consent of the person subject to the decision, such as a forest company or rancher), the FPB can start the appeal process by requiring a “review.” The review is done by either the original decision-maker or another Ministry of Forests and Range employee. The reviewer examines and, if necessary, changes or sets aside the decision. Alternatively, the Board can appeal directly to the Forest Appeals Commission (“Commission”). The Board can also appeal failures to make decisions to the Commission. The Commission can also change or set aside a decision.

The Board cannot require a review or an appeal all decisions. It can only do so for:

- administrative penalties and orders;
- approval of forest stewardship, woodlot licence, range stewardship and range use plans, and amendments to those plans; and
- failures by government to make certain determinations (e.g., to impose a penalty).

The FPB will not both investigate a complaint and appeal at the same time **on the same matter**. That duplicates effort and is unfair to subjects. When both options are available (investigation or appeal), the FPB, in consultation with participants, will proceed with only one course of action. The FPB could investigate some issues in a complaint and appeal others. However, the same issues will not be pursued under both processes.

The Board will not reopen a complaint investigation if the Board has chosen to appeal but did not get the decision it was anticipating. Once one route is chosen to deal with an issue, it is followed to its conclusion.

8.0 RESOLUTION

The FPB will promote resolution of complaints at any stage. This reflects the Board’s objective of problem solving. The analyst will usually try to find or suggest a resolution or solution to the problem. In some situations, simply setting out the facts as the investigator understands them can assist in resolution. Beyond that, however, analysts will promote resolution passively. They can expedite and encourage, but will not insist on a resolution. They will not invoke more elaborate dispute resolution measures, such as settlement conferences or formal mediation or arbitration.

Resolution of the problem is the primary objective. Investigation and reporting is a less desirable solution. However, while agreement among participants is ideal, an agreement may not, of itself, end an investigation. The Board decides whether or not to accept an

agreement as resolution of the complaint. If the issues that arose in the complaint are of concern to the general public, the FPB could continue to investigate until a comprehensive report is made. If there is no general interest in the matters, the Board will stop the investigation under s. 123(2) of the FRPA.

9.0 REPORTING

A primary focus of FRPA is that forest and range users be consistent with government's objectives, as set out in various regulations, and that they implement strategies and achieve any results set out in their operational plans. It is difficult for the Board to assess strict compliance with such provisions, because achievement of results may not be evident for years; determining consistency or achievement may therefore take a long time. Therefore, analysts will assess the soundness (from the public interest perspective) and effectiveness of forest and range practices as well as the achievement of specified results, if any.

If an investigation concerns the exercise of discretionary decisions, an analyst will examine such decisions to confirm that they were based on relevant information and were reasonably made, considering the public's interest. The Board gives some deference to the decision-maker because the legislature specified a minister (or a minister's delegate) to make each decision, and not the Board. Therefore, the analyst will not consider whether a decision was the best or correct one. The test is:

"Was the decision consistent with sound forest and range practices, did it achieve the intent of the forest practices legislation and was it based on an adequate assessment of available information?"

In other words, the Board looks into whether a discretionary decision was one of a series of reasonable alternatives. The selection is up to the decision-maker, but the analyst will examine whether the decision is reasonable, logical and fair in the circumstances.

Guidebooks produced under the Code are not part of forest practices legislation. Nevertheless, the Board considers that they continue to provide important guidance about standard or, in some case, best forest and range practices. Analysts actively use guidebooks, handbooks and any other documentation available from parties such as certification standards, as indicators of standard or best practices to help assess the reasonableness, effectiveness or appropriateness of practices or decisions.

The Board's authority is set out as investigating compliance with specified parts of forest practices legislation; see section 3.0 for the Board's authority. Therefore, an analyst will routinely examine compliance with the forest practices legislation. That involves legal definition of some of the issues and analysis of the legislation in force at the time of the complaint. If necessary, draft reports are checked by Board legal staff for accuracy and comprehensiveness.

The FRPA provides for various forms of reporting as follows:

1. The Board must report to the complainant and the parties whenever it decides to cease investigating or that a complaint is not substantiated.
2. After finishing an investigation, the Board must report its final conclusions with reasons to the complaint participants and the minister (if the government is not already a party). Investigation reports will try to reflect the views of the participants on the main issues, including views expressed during the representation process. They may include recommendations to remedy particular circumstances and or to prevent recurrence of the circumstances. Where recommendations are made, the report may include a request for a response on the actions taken or the reasons for not taking action in response to a recommendation.
3. When the Board follows up on a party's response to a recommendation and the Board believes the party's response has been inadequate, the Board may report to the ministers and Cabinet.
4. The Board must inform a complainant if it believes its recommendations have not been accepted or implemented within a reasonable time. The analyst will also report to a complainant when the recommendations have been accepted or implemented.

In addition to the Board's standard investigation reports, which are available on the Board's website, the Chair can decide to issue a special report to the public on investigations that are of broad public interest. Additionally, the Board periodically publishes a roll-up or summary of complaints that were investigated.

10.0 FOLLOW-UP

With public release, the director sends a letter to each participant who made representations to explain generally how the representations were dealt with.

Each participant is also requested to complete a website questionnaire with feedback to track the Board's performance and meet public expectations. Participants are asked to grade the Board's performance by checking appropriate boxes below. Individual questionnaires are kept confidential.

If a report includes recommendations, the analyst tracks the response and will request follow-up information as necessary. If no earlier response deadline has been set out in the report, follow-up occurs automatically after one year. Responses to recommendations are discussed with the complainant. Implementation or rejection of recommendations is reported to the Board chair, who decides if further action, such as reporting to ministers or Cabinet, is warranted. The Board may publish parties' responses to recommendations and the Board's reaction to those responses as well.

11.0 MEDIA

During and after investigations, analysts may receive calls from the media. Analysts refer all such calls to the FPB Communications Section and will not deal directly with the media. Analysts will provide whatever factual information is required to the Communications Section.