



Employment and Assistance Appeal Tribunal
of the Province of British Columbia

Governance Tools

INTRODUCTION

MEMBER QUALIFICATIONS

COMPUTER BASED TRAINING MODULE

CODE OF CONDUCT

MEMBER COMPETENCIES

COMPETENCY BASED LEARNING AND DEVELOPMENT TOOL

LEARNING AND DEVELOPMENT ACTION PLAN

INTRODUCTION

The Employment and Assistance Appeal Tribunal (the Tribunal) is established under the authority of the *Employment and Assistance Act* to provide an independent and impartial appeal process that is community based and delivers timely and fair decisions reviewing specified decisions of the Ministry of Housing and Social Development regarding income and disability assistance and, for the child care subsidy program, with specified decisions of the Ministry of Children and Family Development.

“Fair procedures, equitable treatment, and responsiveness to the public are the cornerstones of a system of administrative tribunals built according to the Rule of Law”

The Honourable Madam Justice Beverly McLachlin





MEMBER QUALIFICATIONS

The Employment and Assistance Appeal Tribunal (the Tribunal) is established under the authority of the *Employment and Assistance Act* to provide an independent, community-based, accessible, fair, timely, caring and ethical process to hear appellants' disagreements with specified decisions of the Ministry of Housing and Social Development respecting income and disability assistance and, for the child care subsidy program, with specified decisions of the Ministry of Children and Family Development. Appointed members sit on panels generally consisting of three members and may hear up to three appeals per day.

To be considered for appointment to the Tribunal, an individual must:

- Not be an employee, or have been an employee within the past six months, of the Ministry of Housing and Social Development or the Ministry of Children and Family Development;
- Not be an employee of the Provincial Government pursuant to the *Public Service Act*;
- Not be a recipient of income assistance or disability assistance from the Ministry of Housing and Social Development or a child care subsidy from the Ministry of Children and Family Development; and
- Not have a personal, professional, financial or other interest in matters coming before the Tribunal that could cause a reasonably informed person to have a reasonable perception that the Tribunal member would not be independent or impartial.

In addition, candidates must possess or be able to demonstrate the following:

- An understanding of the essential elements for the conduct of a fair and objective hearing;
- An understanding of the key aspects of the *Employment and Assistance Act* and its regulations, the *Employment and Assistance for Persons with Disabilities Act* and its regulations and the *Child Care Subsidy Act* and its regulations;
- Knowledge of the Tribunal's Practices and Procedures;
- Ability to interpret and apply legislation;
- Ability to fairly assess cases involving conflicting verbal/written evidence;
- Analytical, conceptual, problem-solving, decision making and decision writing skills;
- Ability to listen and communicate clearly and effectively;
- Conflict resolution skills;
- Ability to work well in group settings;
- Computer literacy;
- Commitment to respect diversity; and
- Commitment to ongoing professional development to enhance expertise.

Members must agree to abide by the Tribunal's Code of Conduct.



CODE OF CONDUCT

1.0 Mission of the Employment and Assistance Appeal Tribunal

The mission of the Employment and Assistance Appeal Tribunal (the Tribunal) is to provide an independent and impartial appeal process that is community based and delivers timely and fair decisions reviewing specified determinations of the Ministry of Housing and Social Development regarding income and disability assistance and, for the child care subsidy program, with specified decisions of the Ministry of Children and Family Development.

In carrying out its mission, the Tribunal is guided by the following principles:

- Fairness
- Impartiality
- Timeliness
- Accessibility
- Accountability
- Transparency
- Objectivity
- Discretion

Through adherence to these principles, the Tribunal achieves its goals of independence in decision making, excellence in service, and efficiency in administration.

1.1 Purpose of the Code of Conduct

The purpose of this Code of Conduct (“Code”) is to:

- establish rules of conduct that govern the professional and ethical responsibilities of Tribunal members,
- identify the criteria against which members’ performance will be assessed for purposes of identifying training needs and making recommendations respecting re-appointment, and
- promote public confidence in the integrity and competency of the Tribunal, and the independence and credibility of the Tribunal and its members.

The Code is based on the fundamental principle of a fair hearing and recognizes the requirement of independence in adjudicative decision making.

1.2 Scope

The Code covers the role and responsibilities of Tribunal members to the Tribunal, to the public trust, and to the parties when hearing appeals. Specifically, the Code deals with:

- the role and authority of Tribunal members,
- the responsibilities of members to the Tribunal,
- preparation and timeliness,
- conduct during hearings,
- decision making,
- decision writing, and
- duties of panel chairs.

The Code may be amended to reflect the continuing development of the Tribunal.

2.0 Roles and Authority of Tribunal Membership

The Chair of the Tribunal, appointed by the Lieutenant Governor in Council, acts as the chief executive officer of the Tribunal and is responsible for its overall management and the appointment of panels to hear appeals. The Chair reports to the Minister annually on the performance of the Tribunal and consults with the Minister respecting appointments to the Tribunal. One or more Vice Chairs may be appointed.

Members of the Tribunal are appointed by the Minister for a set term. Members exercise the authorities of membership only while serving as members of a panel in the course of an appeal. Tribunal members are expected to act honestly and in good faith and to comply with this Code and with the practices and procedures of the Tribunal. Tribunal members must never speak publicly about any matter related to the Tribunal or its work in a public setting or to the media.

3.0 Responsibilities to the Tribunal

The Tribunal is composed of members from throughout the province. To ensure consistency of service and treatment of parties it is important that any member who observes any conduct of a colleague that he or she reasonably believes is in breach of this Code, or which may threaten the integrity of the Tribunal, bring it to the attention of the Tribunal Chair. The Tribunal operates through its members, and the Tribunal Chair needs the assistance of all members to ensure the public trust is upheld.

Members have a continuing responsibility in relation to the following:

Confidentiality – Members must not divulge confidential information obtained as a result of their appointment unless legally required to do so.

Participation – Members are expected to attend and participate in orientation and training opportunities and in periodic meetings arranged by the Tribunal.

Knowledge – Members are expected to acquaint themselves with the orientation and training materials provided prior to being appointed to a panel to hear an appeal and to maintain current knowledge of the Tribunal's jurisdiction and mandate, its governing legislation, and its policies and procedures. Members are to update their copy of the legislation to ensure it is current.

Disclosure – Members are to disclose to the Tribunal Chair any matters that could have an adverse impact on the public perception of the Tribunal, including an actual or potential conflict of interest with respect to the performance of his or her duties and obligations as a member of the Tribunal. Potential conflict of interest with respect to a particular appeal is normally dealt with between the Appeal Coordinator and the panel member. The Tribunal Chair can appoint an alternate member to avoid the potential conflict.

Judgement – Members are expected to exercise good judgment regarding appropriate conduct at all times, including on matters or in situations not specifically mentioned in this Code.

Performance – Members agree to participate in learning and development programs aimed at improving individual competence in relation to the duties performed for the Tribunal.

4.0 Preparation for and attendance at hearings

Preparation – Members must be fully prepared for hearings. Members must review and become familiar with the material and evidence provided in the appeal package prior to the hearing. This is an unconditional requirement. If a member is unable to properly prepare for a hearing for any reason, s/he should notify the Tribunal Chair and withdraw from the panel well in advance of the hearing.

Timeliness and attendance – Members must be present and ready to proceed prior to the scheduled time of the hearing, remain in attendance throughout the proceeding and be available during the decision making and decision writing processes. Ideally, members will arrive 10 – 15 minutes before the scheduled hearing start time.

4.1 Conduct during the Hearing

It is essential that the work of the Tribunal and each of its appeal hearings be conducted in a manner which ensures that the appeal process is fair to the parties and conforms with the legal requirements set out in the applicable legislation. The following matters are of general applicability and are intended to promote the reality and appearance of impartiality and fairness. This is essential to retain the trust and respect of the parties and the public.

The right to be heard – This is the foundation right governing the work of the Tribunal. All parties must be given a full and fair opportunity to present their case, ask questions of witnesses and present relevant evidence to an impartial panel which will decide the appeal on the basis of the legislation and the evidence.

Maintain appropriate professional distance – Members must maintain an appropriate professional distance from parties, advocates or representatives, and witnesses by avoiding casual, social or private conversations or spending time with parties before, during or after the hearing and by avoiding any other behaviour that may give an impression that a personal or social relationship exists that could give rise to a reasonable apprehension of bias.

Communications – Members must not communicate directly or indirectly with any party, advocate or representative, or witness in respect of a proceeding, except in the presence of all parties and their advocates or representatives.

Impartiality – The appeal process must be fair and reasonable and must accord with the rules of natural justice. Members must be impartial and exercise independence of thought. Members must not be influenced by improper considerations. Evidence of bias, or even a reasonable apprehension of bias, by a panel member will void the hearing and the resulting decision.

Keeping an open mind – Members must not prejudge the appeal until all the evidence has been presented and arguments by the parties have been made. Only then can members properly deliberate on the merits of the appeal.

Respect – Members demeanour, behaviour, and language should reflect respect and courtesy to all parties at hearings. Members must listen patiently and carefully to the views, evidence and submissions of the parties, advocates or representatives, and witnesses. Sensitivity to their culture and heritage is essential, as is understanding and encouragement for appellants representing themselves.

Attentive listening – Members must carefully listen to or read the information presented and the arguments made by the parties as they explain their respective positions on the appeal. The parties should be given the opportunity to present their positions without interruption. If what the party is saying is not clear, the panel may ask questions to clarify the party's position.

Questioning – It is important that aggressive or intimidating questioning be avoided. Members must ensure their questions are asked in a reasonable manner and are focused on understanding the position of the party. Such questioning may disclose that the party's position is inconsistent, conflicts with other information or is not credible. After a party has finished presenting their position or asking a witness questions, the other party may ask questions directly to the party or the witness. Members may then ask questions. The panel chair must be vigilant to exert control over this questioning to prevent repetitive or non-relevant questions or coercive behaviour while at the same time permitting questions which are probing and challenging.

Procedures – Members are to conduct the hearing in accordance with the *Employment and Assistance Act* and *Employment and Assistance Regulation* and the Practices and Procedures established by the Tribunal. The panel chair must recess the hearing if a short break is required by any member or participant.

4.2 Evidence

The panel may only accept and consider information and records that were before the minister when the decision was made or oral or written evidence in support of the original records and information (*Employment and Assistance Act*, s. 22). Written submissions and documents tendered as evidence at the hearing are to be recorded on forms entitled Submission at Hearing – Appellant or Submission at Hearing – Ministry. Indicate whether the evidence tendered was admitted and the reasons for that decision on the relevant form as well as in the Tribunal Decision.

4.3 Deliberations and Decision Making

In the course of deliberating and decision making, members must:

- (a) Be guided by the requirements of the law;
- (b) Avoid arriving at any final judgment, conclusion or decision on an issue until all panel members have had an opportunity to provide input;
- (c) Deliberate as a panel and each member of the panel must participate fully in the discussions, including the determination of:
 - the facts of the case,
 - the applicable legislation, and
 - how the legislation applies to those facts;
- (d) Demonstrate the same respect and courtesy to fellow members during deliberations as shown to the parties during the hearing, listening patiently and carefully to their views and arguments;
- (e) Take personal responsibility for making a decision. A member may not delegate this obligation or allow their decision to be dictated by another. Provision is made for majority decisions because consensus is not always possible.

4.4 Decision Writing

All members of a panel must participate in the drafting of the written decision (which may include a dissenting opinion) to the extent of agreeing in point form on the findings of fact, the applicable law, and the reasoning supporting the decision. The final draft of the decision may be typed or written by the panel chair without the other members present.

- (a) Members must have the opportunity to review and comment on the final draft decision prior to the panel chair forwarding it to the Tribunal. This can be done in person, by telephone, or by fax or email.
- (b) Where email is used, only Part E – Summary of Facts and Part F – Reasons for Panel Decision will be exchanged and care must be taken that they contain no identifying information.
- (c) Members must sign the decision form at the hearing or at a later time. In all cases the members must review and agree to the draft decision before it is sent to the Tribunal;
- (d) The written decision must follow the format set out in s. 87 of the *Employment and Assistance Regulation*;
- (e) All appeal records and documents, both hardcopy and electronic, must be kept in a confidential and secure manner. All hardcopy material (including the appeal record, draft decisions, members' notes and any material provided by the parties at the hearing) must be returned to the Tribunal with the appeal records and all electronic material must be deleted;
- (f) Appeal records and other documents must be returned to the Tribunal within 5 business days of the panel making its determination.



4.5 Obligations of Panel Chairs

The panel chair is to ensure s/he and other members of a panel adhere to the Code of Conduct and take any necessary steps to ensure compliance, including:

- (a) Following the “Conduct of Hearing” guidelines set out in the Panel Member Reference Manual, section 3.2.5, “Introduction by Panel Chair;”
- (b) Recessing the hearing to consult with the members on procedural or legal issues as required. All discussion of procedural or substantive issues must take place in private without the parties present;
- (c) Ensuring that the requirements above, **4.1** to **4.4**, are met;
- (d) Identifying or clarifying any procedural issues, including acceptance of evidence, consideration of former Tribunal decisions or court decisions, adjournment requests, and objections raised by a party;
- (e) Dealing with aggressive or rude behaviour and safety concerns;
- (f) Ensuring the proper procedure is followed if a conflict of interest or a matter of bias is identified that may disqualify a member from participating in a hearing;
- (g) Deciding any question of practice or procedure that arises during a hearing and is not provided for in the regulations or in the Practices and Procedures of the Tribunal (*Employment and Assistance Act*, s. 22(6));
- (h) Ensuring all members comport themselves with dignity and in keeping with the provisions of this Code and bringing breaches by a member to the attention of that member and the Tribunal Chair;
- (i) Maintaining order at a hearing and attempting to complete hearings within the time allocated;
- (j) Facilitating the discussion between panel members regarding the disposition of the case.
- (k) Maintaining liaison with the Appeal Coordinator regarding adjournments, or other issues arising during a hearing.
- (l) Ensuring that decisions are completed and submitted in a timely and complete manner.



Employment and Assistance Appeal Tribunal of the Province of British Columbia

CODE OF CONDUCT

I, _____ have been appointed
as a member of the Employment and Assistance Appeal Tribunal, pursuant
to Ministerial Order # _____.

I have been provided with, read and understand the Employment and
Assistance Appeal Tribunal Code of Conduct.

I undertake to comply fully and to the best of my ability with the provisions
of this Code of Conduct, and any subsequent amendments, understanding
that I am required to maintain independence in decision making.

Dated at: _____

_____, _____, _____
Day Month Year

Signature



MEMBER COMPETENCIES

The competencies are based on five core elements:

1. **Legislation and Practices and Procedures**
 2. **Conduct of Hearing**
 3. **Evidence**
 4. **Decision Making**
 5. **Decision Writing**
-
1. **Legislation and Practice and Procedures** – *Knowledge of relevant legislation and Tribunal Practices and Procedures*
 - Understands the Tribunal's jurisdiction
 - Understands the applicable legislation
 - Applies the applicable legislation
 - Protects privacy
 - Understands issues of bias
 2. **Conduct of a Hearing** – *Conducts hearing in a courteous, timely and respectful manner, consistent with the Tribunal Code of Conduct*
 - Fully prepared
 - Communicates effectively
 - Conducts hearing effectively
 3. **Evidence** – *Ensures that all relevant issues are addressed by eliciting and managing evidence*
 - Undertakes necessary preparatory work
 - Asks questions concerning relevant issues
 - Identifies new evidence and determines admissibility
 4. **Decision Making** – *Ensures effective deliberation and structured decision making*
 - Keeps an open mind
 - Takes an active part in deliberations and decision making
 - Involves members in a structured decision making process (panel chair)
 5. **Decision Writing** – *Provides clear, concise and well written decisions*
 - Participates in the decision writing process
 - Ensures the Tribunal Decision is completed correctly and in accordance with Tribunal guidelines and legislation
 - Protects privacy



COMPETENCY BASED LEARNING AND DEVELOPMENT TOOL

Introduction

The Employment and Assistance Appeal Tribunal has engaged in a number of initiatives to strengthen member skills relative to the work performed on behalf of the Tribunal. The Code of Conduct established the rules of conduct governing the professional and ethical responsibilities of Tribunal members based on the fundamental principle of a fair hearing and the requirement of independence in adjudicative decision-making. The Code of Conduct establishes the competencies that would enable members to meet the high service expectations of the public. The Competency Based Learning and Development Tool assists members to analyze skills and abilities and develop learning and development plans based on the competencies identified in the Code of Conduct. This tool will also be used to provide objective information on member competency in order to make recommendations for reappointment. The Tribunal wishes to acknowledge the contribution of its members in developing both the Code of Conduct and the Competency Based Learning and Development Tool, as well as acknowledging both the Justice Studies Board for its outstanding work in developing a competency framework for members of administrative tribunals and the work done by the Property Assessment Review Board in this area.

Evaluation Framework

The Competency Based Learning Development Tool based on five core elements:

1. Legislation and Practices and Procedures
2. Conduct of Hearing
3. Evidence
4. Decision Making
5. Decision Writing

These sections are laid out sequentially to the hearing process to make for easier observation by the member assisting with the review. The only exception to a member performing the review is Competency #5: Decision Writing. This section will be completed by the Tribunal Chair for panel chairs. Each core element lists a number of competencies. A competency can be defined as a learned skill which can be assessed through observation of performance. Each competency has one or more performance indicators – specific actions that can be observed as evidence that the competence is demonstrated. While some competencies are expected to be demonstrated by both panel chairs and panel members, others are expected to be demonstrated by the panel chair only and this division is clearly indicated. As well, not all competencies or performance indicators may be demonstrated or observed in every hearing.

Use of the Competency Based Learning and Development Tool

This tool can be used by members for as a self-evaluative tool to identify competencies and where skills would be enhanced by additional learning. This tool will also be used to provide objective information on member competency for reappointments and, on request, for references.



A Self-Evaluative Tool

The framework essentially provides a tool for continual learning and development. It will enable members to better understand the requirements of panel members and panel chairs; it makes those expectations clear and transparent.

Members can review the competencies and performance indicators to assess their own level of learning. As well, members can ask another panel member prior to a hearing if they would be willing to provide informal feedback on their performance. The objective is to enhance members' skills and knowledge. Feedback could occur either in person after the panel makes a determination or later, by telephone.

Providing Informal Feedback

The member requesting feedback on performance controls the process. The member reviews the competencies and the relevant performance indicators and reflects on his or her level of skill. The observing member may then share his or her observations. If the member determines s/he requires some training or coaching in a specific competency, s/he is to complete the Learning and Development Action Plan and submit it to the Tribunal Chair who will determine how to address this request.

Provision of Objective Criteria for Reappointment

Each member will have the opportunity to demonstrate their skill level with the various competencies prior to reappointment. The observer will be either a Mentor or the Tribunal Chair. The Competency Based Learning and Development Tool provides objective information on which to base recommendations for reappointment. It would also be valuable for members who wish to work for other administrative bodies as well as providing a solid basis for recommendations for other types of work. A determination will be made by the observer for each performance indicator within a competency as to whether further training would be of benefit to the member, whether the member is performing adequately, or whether the member demonstrates a high level of competence and is able to mentor other members. When a panel chair is being observed, the observer will inform the appropriate Appeal Coordinator of the necessity of completing Competency #5: Decision Writing – Panel Chair – for that specific appeal. The Appeal Coordinator will then provide the Tribunal Chair with a copy of the decision for this purpose. Where the Competency Based Learning and Development Tool is used to demonstrate member competency for reappointment or reference purposes, a completed copy is to be sent to the Appeal Panel Administrator who will place a copy on the member's record and provide the member with a copy on request.

Mentors

Mentors are members who have been determined to be competent to mentor other members and have agreed to act in this capacity. Mentors may provide coaching to other members, may assist first time panel chairs, and may act as observers to assist members using the Competency Based Learning and Development Tool.

Completion for Reappointment or for Reference Purposes

Members who wish to have a record for reappointment or reference purposes are to contact the Tribunal and request assistance with completing the Competency Based Learning and Development Tool. For reappointment purposes, a member is to contact the Tribunal for assistance one year prior to the expiry of his or her term of appointment.

Competency **1** **Legislation and Practices and Procedures**
Knowledge of relevant legislation and Tribunal Practices and Procedures

Appeal Number:

Panel Members and Panel Chairs

Does Not Meet
Expectations
Requires Training

Adequate
Meets
Expectations

Mentor
Exceeds Expectations
and can coach others

Understands the Tribunal's legislated jurisdiction

- Can accurately describe the Tribunal's jurisdiction
- Can accurately describe the procedures the panel would follow in the course of a hearing

Understands the applicable legislation

- Can accurately describe and explain the legal framework of the legislation
- Accurately describes the issue under review

Applies the applicable legislation

- Ensures member's copy of the legislation is updated and current
- Applies the applicable legislation to the issue under review

Protects privacy

- Ensures personal notes regarding the appeal are returned to the Tribunal
- Ensures electronic copies of appeal records are deleted on completion

Obligations to the Tribunal

- Aware of obligation to inform the Tribunal Chair of matters that could have an adverse impact on the public perception of the Tribunal
- Inform Tribunal Chair of actual or potential conflict of interest with respect to the performance of duties for the Tribunal



Competency **1** **Legislation and Practices and Procedures**
Knowledge of relevant legislation and Tribunal Practices and Procedures

Appeal Number:

Panel Chairs

Does Not Meet
 Expectations
 Requires Training

Adequate
 Meets
 Expectations

Mentor
 Exceeds Expectations
 and can coach others

Possesses a detailed knowledge of the Tribunal's Practices and Procedures

- In conducting the hearing, properly applies the Tribunal's Practices and Procedures, including those relating to:
 - Adjournments
 - Safety concerns
 - Apprehension of bias
 - Authorization to act on behalf of another
- Obtains advice or information from appropriate sources when required

Possesses a detailed knowledge and understanding of the legislation and legal jurisdiction

- Directs hearing activities based on this knowledge
- Obtains advice from appropriate sources when required



Competency 2 Conduct of Hearing <i>Conducts hearing in a courteous, timely and respectful manner, consistent with the Tribunal Code of Conduct</i>			Appeal Number:
Panel Members and Panel Chairs	Does Not Meet Expectations Requires Training	Adequate Meets Expectations	Mentor Exceeds Expectations and can coach others
Fully prepares for the hearing <ul style="list-style-type: none"> ■ is punctual ■ has read the appeal record ■ discloses any potential conflict of interest 			
Communicates effectively <ul style="list-style-type: none"> ■ Ensures each party has an equal opportunity to present their case without unnecessary interruption ■ Avoids asking non-relevant and repetitive questions ■ Focuses on subject matter of the hearing ■ Asks clear, concise and relevant questions which are understood by those to whom they are addressed ■ Employs active listening skills, e.g., is attentive, uses open and closed questions ■ Shows courtesy and respect to all parties through his/her demeanour, behaviour and language ■ Avoids casual, social or private conversations with the parties so as not to create an impression of bias ■ Does not communicate directly or indirectly with any party to the proceeding except in the presence of all parties and their representatives ■ Does not become an advocate for any party 			

Competency 2 Conduct of Hearing <i>Conducts hearing in a courteous, timely and respectful manner, consistent with the Tribunal Code of Conduct</i>			Appeal Number:
Panel Chairs	Does Not Meet Expectations Requires Training	Adequate Meets Expectations	Mentor Exceeds Expectations and can coach others
Conducts hearing effectively <ul style="list-style-type: none"> ■ Monitors questions, intervening only if questions are not asked in a reasonable manner or to limit non-relevant or repetitive questions ■ Maintains control of the hearing ■ Takes effective steps, where appropriate, to deal with parties who are angry, frightened or distraught ■ Constructively resolves conflict between members in private, not in the presence of the parties 			
Communicates effectively <ul style="list-style-type: none"> ■ Starts hearing by explaining procedures and relevant procedural issues in plain language and confirms comprehension ■ Ensures effective communication between the panel members and all parties attending ■ Ensures opportunities to provide comment are equally balanced 			

Competency 3 Evidence <i>To ensure that all relevant issues are addressed by eliciting and managing evidence</i>			Appeal Number:
Panel Members and Panel Chairs	Does Not Meet Expectations Requires Training	Adequate Meets Expectations	Mentor Exceeds Expectations and can coach others
Undertakes necessary preparatory work ■ Identifies the areas requiring clarification			
Asks questions concerning material issues ■ Asks questions so as to elicit evidence relevant to the issues			
Identifies new relevant evidence ■ Identifies new oral or documentary evidence ■ Determines admissibility of new evidence and states why it is admissible or not ■ Where there is a dispute on the evidence, makes findings of fact and explains why that evidence was relied upon over other evidence			

Competency 4 Decision Making <i>Decision making to ensure effective deliberation and structured decision making</i>			Appeal Number:
Panel Members and Panel Chairs	Does Not Meet Expectations Requires Training	Adequate Meets Expectations	Mentor Exceeds Expectations and can coach others
Keeps an open mind <ul style="list-style-type: none"> ■ Does not come to any final judgement, conclusion or decision on an issue until all the evidence has been submitted and arguments concluded ■ Considers opinions and advice of other panel members before making a decision 			
Takes an active part in deliberations and decision-making <ul style="list-style-type: none"> ■ Appropriately participates in the decision-making process by making findings of fact and a reasoned decision based on the relevant legislation ■ Expresses opinions in discussion relevant to the issues 			

Competency 4 Decision Making <i>Decision making to ensure effective deliberation and structured decision making</i>			Appeal Number:
Panel Chairs	Does Not Meet Expectations Requires Training	Adequate Meets Expectations	Mentor Exceeds Expectations and can coach others
Involves members in decision making process <ul style="list-style-type: none"> ■ Summarizes the issues and, if necessary, reminds the panel of the evidence and relevant legislation ■ Facilitates discussion between panel members regarding the disposition of the case ■ Ensures there is opportunity for full discussion and encourages each member to express an opinion on the issues to be decided 			
Establishes a structured decision making process <ul style="list-style-type: none"> ■ Leads deliberations in a logical progression through the decision template ■ Ensures that proper consideration is given to the reasoning of all members when there is a disagreement on any finding of fact, issue or decision ■ Ensures that a clear and final decision is reached by the majority of the panel members 			

Competency 5 Decision Writing
Provides clear, concise and well written decisions

Appeal Number:

Panel Members and Panel Chairs

Does Not Meet
 Expectations
 Requires Training

Adequate
 Meets
 Expectations

Mentor
 Exceeds Expectations
 and can coach others

- Participates in the decision writing process
- Assists with completing the Tribunal Decision according to Tribunal guidelines and EAR s. 87
 - Identifies the relevant legislation
 - Assists to identify a clear set of relevant finding of facts drawn from the evidence
 - Assists with providing clear and understandable reasoning that leads to a logical conclusion on each issue
 - Ensures decision of the panel is the decision of the majority
 - Provides reasons for dissent to the panel chair (for information purposes) and Appeal Coordinator (AC) within 48 hours of the hearing; where the panel chair is dissenting, panel members must write the reasons for the majority decision and provide them to the panel chair and the AC within 48 hours of the hearing; the dissent will be provided to panel members and AC within 48 hours also
 - The dissenting member must identify him/her self
 - Reviews and approves the final facts and reasons within 24 hours of receipt
 - If retaining appeal documents for the purpose of writing a decision, is responsible for returning the documents to the Tribunal within 5 business days of a determination



This section of the evaluation will be completed by the Appeal Coordinator

Competency **5** **Decision Writing**

Provides clear, concise and well written decisions

Appeal Number:

Panel Chairs

Does Not Meet
Expectations
Requires Training

Adequate
Meets
Expectations

Mentor
Exceeds Expectations
and can coach others

- Ensures the Tribunal Decision is completed correctly and in accordance with Tribunal guidelines and EAR s. 87
- Ensures accuracy of Part A & B
 - Summarizes reconsideration decision, state date and the ministry's reason(s)
 - Cites the relevant legislation
 - Ensures 'Summary of Facts' notes procedural matters, summarizes evidence, deals with new evidence, makes findings of fact
 - Ensures 'Reasons' states issue, parties' positions, relevant legislation, uses specific facts to show why the legislative test was met or not met and determines the reasonableness of ministry's decision; confirms or rescinds
 - Uses plain, direct and concise language

- Facilitates completion of the decision
- Obtains panel signatures
 - Liaises with Appeal Coordinator to ensure sufficiency of decision
 - Returns all documents within 5 business days of a determination of the panel unless an extension is granted by the Tribunal Chair

- Protects Privacy
- Does not include identifying information in the decision's facts or reasons or when emailing drafts for review



LEARNING AND DEVELOPMENT ACTION PLAN

Member Name: _____

Location: _____ Date: _____

Competency Based Learning and Development Request

Identify key learning priorities noting the specific competency that you are seeking to enhance.

Comments on course of action:

Tribunal Chair's Signature: _____ Date: _____