

Consent and Capacity Board

Performance Evaluation Program

Introduction

The overall purpose of the CCB Performance Evaluation Program is to enhance the quality of adjudication and the professional development of all members. It also provides improved accountability of the CCB .

Objectives of the Performance Evaluation Program

The specific objectives for the Program are to:

- Ensure the maintenance of the CCB's standards and uniformity of its practices throughout the province;
- Maintain public confidence in the performance of the CCB and its individual members;
- Ensure that all CCB members have acquired and maintained the skills necessary for their role; and
- Identify individual training and skill development needs;
- Give a positive advantage to the member by providing feedback on perceived strengths, weaknesses and areas on which input is requested.

Responsibility for the operation of the Performance Evaluation Program

- (i) Overall responsibility for the Program lies with the Chair.
- (ii) The Chair may delegate management of the Program, or aspects of its operation, as required.

Scope of the Performance Evaluation Program

- (i) The Program shall cover all CCB members except the Chair.

Frequency of Performance Evaluation

Every CCB member will have a minimum of one performance evaluation during the term of each of his/her Orders in Council. Additional performance evaluations may be requested by the Chair.

Performance Evaluation Criteria: Member Performance Standards

The CCB has adopted a set of standards for the performance of its members. These standards have been defined by the members themselves, and reflect their view of how their performance should be measured. Performance evaluations will be conducted with reference to these standards.

The Performance Evaluation Process

- (i) For each performance evaluation, the Chair will delegate an evaluator. The evaluator will conduct investigations to permit him or her to evaluate the performance of the member being evaluated. Such investigations will include confidential consultation with other members with whom that member has sat on hearings, consultation with the CCB legal counsel and the Deputy Registrar and review of written Reasons for Decision, Order/Endorsements or rulings if applicable. In some cases, it will also involve the evaluator observing the person whose performance is being evaluated participate in a hearing.
- (ii) The evaluator will provide both oral and written feedback to the member.
- (iii) Feedback from the evaluator will relate to the CCB Member Standards and will be as specific as possible.
- (iv) A member being evaluated will have an opportunity to comment on the following:
Personal Goal Setting at the CCB; Member Request for the Focus of the Evaluation and Member Self-evaluation.
- (v) The evaluator will review the results of the performance evaluation with the member before forwarding them to the Chair.
- (vi) Follow-up to a performance evaluation will be at the discretion of the Chair or his/her delegate and may include additional training of the member, appointment of a mentor, or other measures as deemed appropriate.

November 3, 2015

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Member Performance Standards

Introduction

These standards were developed by CCB members themselves. They serve as a guide to members in their work for the CCB, and also provide the framework for performance evaluation.

All Members

All CCB members do the following:

- Show an understanding of the legal framework in which the CCB operates, its jurisdiction, the applicable law and the CCB administrative procedures and practices
- Always arrive at hearings in advance of the hearing and appropriately dressed for a business environment
- Conduct themselves in a dignified, fair, professional and respectful manner, inside and outside the hearing room, respecting the needs of the participants in our processes
- When questioning any of the parties, including persons who are the subject of the hearing and witnesses, ask questions in an appropriate manner paying attention to tone and language
- Participate fully in deliberations by finding the facts from the evidence, then applying the law to those facts
- Listen to the perspectives of others during deliberations
- Deal with the CCB staff in a respectful and courteous way, submitting required information and/or documents in a timely manner
- Take careful notes during hearings to assist with fact-finding during deliberations.

Psychiatrist Members

In addition to maintaining the standards listed above for “All Members”, psychiatrist members of the CCB:

- Use their expertise to help their fellow panel members understand relevant medical concepts and assist the panel with information about psychiatric treatment
- When necessary, use their expertise to ask relevant questions, without leading the witness
- Avoid offering clinical advice or opinions to parties during the hearing.

Lawyer Members

In addition to maintaining the standards listed above for “All Members”, lawyer members of the CCB:

- Assist their colleagues to understand and deal with legal issues when necessary
- Preside over hearings in a way which is fair, dignified, inclusive, professional, and respects the rules of natural justice
- Preside over hearings in a way which is focused on the issues to be decided, and is time-effective
- Effectively introduce the participants and the process at the beginning of each hearing, and seek to ensure that all understand
- Adjourn hearings only when fairness demands it and there is no other reasonable alternative
- Deal fairly and expeditiously with preliminary matters raised by the parties
- Maintain firm control over the hearing at all times, in a way which is not overly formal
- Strike a balance between assisting the parties, especially when they are representing themselves, and maintaining the independence and neutrality of the CCB
- Lead the panel in its deliberations without dominating, ensuring that all points of view are heard and considered
- Write clear and transparent Order/Endorsements and Reasons for Decision, on time and in the required format
- Submit paperwork and files to the CCB in a timely and organized manner.

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