

# Consent and Capacity Board

## 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.

### Public Members

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

- Enhance the scope of understanding of tribunal panel members through their diversity of personal, professional and volunteer backgrounds
- Bring a broader community view during the hearing process and in deliberations
- Validate for the consumers of the CCB service that there is community representation on the tribunal panel in addition to legal and medical expertise.

### Medical Members

In addition to maintaining the standards listed above for “All Members”, Medical 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.

**December 20, 2017**