

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 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, be fully prepared for the hearing, and appropriately dressed for a business environment.
- Conduct themselves in a dignified, fair, professional, and respectful manner, during and outside the hearing, 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.
- Always maintain firm control over the hearing, 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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