

Veterans Review and Appeal Board Members' Professional Performance Assessment

Introduction

Performance assessments are much more than assessing a Member's performance; they are the management of a Member's performance which includes the combination of various related tasks: monitoring, coaching, setting objectives, gathering information and providing feedback. Assessments should be considered an ongoing, year-long process. There are several advantages to this continuous process:

- recognition;
- enhanced communication;
- identification of ongoing professional development needs; and
- establishment of performance objectives for the next review period.

Principle

- A Member's performance will be assessed fairly and objectively.

Objective

- To foster professional standards of performance.

Assessment Elements

A Member will be appraised in the context of the following elements:

- general knowledge
- preparation for the hearing
- conduct of hearings
- decision making
- collegiality
- continuing professional development
- contribution to the work of the VRAB

Confidentiality of the Assessment

Personal information included in a performance assessment is protected under the provisions of the *Privacy Act*. The provisions of the Act also provide Members the right to access any information relating to them.

The Member's performance assessment may be disclosed to a third party only with the written consent of that Member.

Assessment Process

The written assessment is a summary of the best information collected on each assessment element. In preparing to provide informal feedback or annual formal evaluation, the Chair may approach the Deputy Chair, the Director General, the Director of Legal Services, the Director of Professional Development and Advisory Services and others involved with a Member's on-going professional development for comments relating to the Member's professional development needs. However, any conclusions regarding the Member's performance and professional needs must be based on the Chair's independent review and evaluation of the Member's work.

Assessment Time Frame

Six Months

Six months following the Member's initial appointment, the Chair will complete an informal assessment of the new Member's performance and further training needs. This assessment should consider all the assessment elements. The Chair will meet with the Member to establish a plan to address the Member's individual professional development needs and to establish clear performance objectives for the next six months. The performance objectives will form the basis for a formal assessment to be completed 12 months after the date of the Member's appointment.

Year One

Twelve months following the Member's original appointment, a formal assessment will be completed by the Chair. This performance assessment will build from the developmental plan established following the initial orientation training. The Chair will meet with the Member to set clear performance objectives for the coming 12 months and to identify learning needs, in particular where the assessment, including the Member's self-assessment, identifies aspects of the Member's performance in need of improvement.

Year Two (and subsequent years)

Once a year, and more frequently if required, the Chair will meet with the Member to discuss their on-going professional development needs and to reassess performance objectives established for the Member for the next twelve months. The Chair, along with the Member, will review the Member's learning plan and revise it as required to address the continuing professional development needs.

Last Year of the Member's Mandate

Six months prior to the end of the Member's term, the Chair will meet with the Member to discuss their career objectives. The Chair will then complete a brief performance evaluation report based on previous performance appraisals which shall serve as advice to the Minister should the Member be seeking reappointment.

SECTION 1 - GENERAL KNOWLEDGE

The Board Member's decisions shall:

- 1.1 demonstrate knowledge of, and appropriate application of, all relevant legislation and policies**
- 1.2 demonstrate knowledge of the principles to be applied to the admissibility and weight of evidence, including credibility assessment**

SECTION 2 - PREPARATION FOR THE HEARING

Members are expected to review their cases in advance of the hearing to ensure that they are fully prepared to proceed with the hearing on the scheduled date. When reviewing the files, Members are expected to assess whether the documentation on file is complete. Members are expected to focus the issues in the application to those that are relevant and pivotal in determining the outcome.

The Board Member shall:

- 2.1 consistently complete their assigned workload**
- 2.2 demonstrate a thorough review of all relevant, available information on applicant's file**
- 2.3 disqualify himself/herself from any case in which the Member's participation may result in a reasonable apprehension of bias**

SECTION 3 - CONDUCT OF HEARINGS

This aspect of the Member's work should be monitored through direct observation in hearings, review of tapes of hearings and a review of Member's reasons for decisions, including comments made by Federal Court judges in the course of judicial review of these decisions. Reference should also be made to statistical reports that track Member's workload and progress of cases through the system.

The Board Member shall:

- 3.1 begin the hearings on time and make effective use of scheduled hearing time**
- 3.2 ensure that the issues are clearly identified and clearly explain the process to the hearing participants**

3.3 effectively focus and narrow issues during the course of the hearing and ensure that the parties direct their evidence to the relevant issues

3.4 be respectful, patient, fair, impartial and sensitive with all participants in the hearing

3.5 cope calmly and objectively with information or reactions that are unpleasant or emotional situations

3.6 adhere to the principles of fairness and natural justice in the hearings

3.7 demonstrate effective listening and observation skills

3.8 respectfully consider the opinion(s) of the other panel Member(s) in all aspects of the hearing process

SECTION 4 - DECISION MAKING

Members are expected to provide reasons in support of all of their decisions. In rating a Member's performance with respect to their reasons for decision, the Chair must at all times respect the Member's independence as a decision maker. The assessment of performance is to be based on the sound and clear analysis of the evidence, decisions that are derived from the evidence, and the analysis of how the relevant legal principles apply with respect to the evidence. The assessment should also focus on the quality of the Member's reasons for decision in terms of accuracy, completeness and intrinsic logic. It is not appropriate for the assessor to take into consideration their own views of what would be the correct decision.

The Board Member shall:

4.1 document the decision in a manner which clearly sets out the basis for the decision with reference to the relevant legislation and information, and consistent with the Board's policies, preferred stance decisions and Federal Court decisions. If the decision deviates from these policies and decisions, it should only be on an exceptional basis and the member must explain the reason for the deviation.

4.2 provide clear findings of fact based on relevant evidence, and conclusions are logically based on findings of fact and law

4.3 take responsibility for a dissenting decision and articulate the difference of opinion on key issues

4.4 provide clear and concise decisions which are easy for the applicant to read and understand

SECTION 5 - COLLEGIALLY

The Board Member shall:

5.1 work with other members in a spirit of collegiality and treat them with courtesy, diplomacy and respect

SECTION 6 - CONTINUING PROFESSIONAL DEVELOPMENT

The Board Member shall:

6.1 pursue the enhancement of professional competence and knowledge, individually and collegially

SECTION 7 - CONTRIBUTION TO THE WORK OF THE BOARD

The Board Member shall:

7.1 contribute to the consultation on policy and other related matters

7.2 respect administrative and management authority and responsibilities, including abiding by Treasury Board directives

7.3 respect the VRAB's service standard objectives with regard to turn around times (TAT) on finalization of decisions