

## **POLICY OF INTERNAL REVIEWS OF ADJUDICATOR DECISIONS BY CHIEF ADJUDICATOR'S OFFICE**

The Chief Adjudicator's Office (CAO) conducts informal reviews of decisions submitted by adjudicators. Comments and suggestions are provided to adjudicators as a result of the reviews. The reviews are consistent with principles of administrative law and the provisions of the Independent Assessment Process. The rationale for the reviews, together with a discussion of court decisions and the IAP, is contained in Appendix "A" to this document, which is a paper titled: "The Chief Adjudicator's Responsibility to Promote Consistency, Coherence and Quality in IAP Decisions".

The process and guidelines for the internal reviews are:

- (1) The CAO will have all decisions read by another adjudicator colleague, usually a DCA or the CA.
- (2) Comments, observations and advice on the decision will be provided to the primary adjudicator.
- (3) Adjudicators are free to consider or ignore any or all comments, observations or advice.
- (4) Adjudicators are entitled to engage in further consultation with the CA, DCA or other adjudicators with respect to their draft decision.
- (5) Any consultations must be with respect to policy, interpretation matters, coherence and grammar. It is permissible to discuss policy issues arising from the body of evidence before the primary adjudicator even though the evidence may give rise to a variety of factual conclusions.
- (6) The CA, DCAs or another adjudicator/colleague must not pressure adjudicators to vary their decisions.
- (7) All adjudicators are responsible for preserving their independence. The IAP provides that:

It is the adjudicator's responsibility to assess the credibility of each allegation and, for those allegations which are proven on the civil

standard, to determine whether what has been proven constitutes a continuing claim under this IAP.

The CAO and adjudicators must be mindful that internal reviews are always subject to the following:

- (a) The ultimate independence of the adjudicator must always be protected and respected.
- (b) Any consultation or advice must be voluntary.
- (c) The CA, DCAs or individual adjudicator colleagues must not impose pressure on other adjudicators.
- (d) Factual matters are not to be revisited but policy and interpretation matters can be discussed within the particular factual context in which they arise.
- (e) New evidence cannot be introduced in the consultation process without giving the parties full opportunity to address the evidence.

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