

**Short Form Decisions**

The IAP Model, at page 13, sets out the requirement that the adjudicator provide the rationale for his or her decision:

III. ASSESSMENT PROCESS OUTLINE

**k. Decision**

i. The adjudicator will produce a decision in a standard format outlining key factual findings and providing a rationale for finding or not finding compensability within the IAP and for the compensation assessed, if any.

Further, Appendix XII to the IAP Model sets out the format for decisions.

Notwithstanding the foregoing provisions, it is recognized that there are many hearings in which, following the completion of all steps in the hearing process, the representatives and the adjudicator are in agreement as to how the claim should be resolved. In order to eliminate the delays and expense associated with either: (a) putting the case into the Negotiated Settlement Process after the hearing; or (b) having the adjudicator write a full decision (with resulting delays related to the release of the decision), and in some cases in order to address the wishes of the claimant, there may be cases for which an abbreviated (Short-Form) decision will be appropriate and serve the interests of the parties.

**A. General Principles**

1. A Short Form Decision is only available when each of the following circumstances exists:
  - a. The Claimant is represented by Legal Counsel;
  - b. The case is in the Standard Track;
  - c. All research and mandatory document production is complete and submitted before the hearing;
  - d. All testimony is complete;
  - e. The future care plan (if any) is submitted by the end of the hearing and submissions have taken place;
  - f. The Claimant so requests in writing - recognizing that it may be important for the claimant to have a detailed narrative of evidence and rationale supporting the decision, for memorialization or other reasons; and
  - g. The representatives of the Parties that attended the hearing consent in writing to the rendering of a Short Form Decision.

2. For greater clarity, a Short Form decision is not available:
  - a. When an Alleged Perpetrator testifies, disputing responsibility – in these circumstances the adjudicator will be required to provide a decision containing all of the usual elements including an analysis of credibility; and
  - b. In any other case where, at the end of the hearing, a material issue remains with respect to credibility, liability or compensation.
3. Short form decisions shall not be used as a basis to support possible admissions with respect to Student on Student abuse allegations in future cases.
4. The Short Form Decision is only available following a hearing before an adjudicator.
5. The Short-form Decision does not eliminate the need for the adjudicator to render a decision. It simply eliminates the need for the adjudicator to supply full reasons.
6. When a Church party does not send a representative to the hearing, the Church party shall be deemed to authorize Canada to consent to a Short Form Decision on its behalf.
7. The Short Form Decision will be signed by the Adjudicator and by the parties attending the hearing. The decision will then be reduced to a typewritten format without the need for further execution.
8. The parties do not waive their rights to review the decision.

**B. Format for Short Form Decisions**

The format for Short Form Decisions shall be as set out in Appendix A hereto.

Approved by IAP Oversight Committee: November 3, 2009

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