

SHORT FORM DECISIONS

STEP BY STEP INSTRUCTIONS TO ADJUDICATORS

Cover Page: Hearing Information

When presented with the Front Page of the Short Form you will observe a summary tool bar along the top of the page which lists the following icons from left to right

Question Mark – is a Help Tool to access if you need clarification

Français – to use the Short form in French language

Find – clicking on this button presents a message box. Inside the message box are three fields that allow you to enter search criteria. Claimant name, file number character or file number digit are the permissible search criteria.

You may query the search fields individually, two together or all three search fields simultaneously. Press the OK button to search. If the searched claimant name, file number character or file number digit or similar search criteria is in the database it will appear. To isolate the correct file, scroll using the book page icon in the top left corner of the screen.

Delete – clicking this button will present a warning box asking if you wish to delete this entire record. By clicking okay, the entire decision record will be deleted. Click cancel to cancel the delete request.

Preview/Print – this function allows you to preview the document before you print it. Once displayed in print preview mode, navigate through multiple pages using the book page icon in the top left corner of the screen. When you are satisfied with the print preview quality, click the light blue coloured "Continue" button in the top right corner of the screen. Clicking this screen will present a warning box asking if you wish to print the form or cancel. If you click cancel, you will be returned to the decision form screen. If you click "OK", the decision form will be printed.

There is no save button. The form and any changes are saved automatically when a keystroke is made.

Completing the Form

Claimant: Place your cursor in the Claimant field. Insert the claimant's full name as it appears on the application form. Entering a name in this field will also create and auto populate the signature field for this individual.

File number: Please ensure that both fields in the File Number boxes are completed. Insert the alpha and numeric file number of the claim, eg. A-01234

School named: Place your cursor in the School Named field and select the School Named from the drop down box which the claimant named in the application form or during the hearing. If more than one School is named, please insert the name(s) of the approved School in one of the three fields below the School Named field.

Adjudicator: Insert your Name here. Entering your name in this field will also create and auto populate the Adjudicator signature field.

Hearing Date – Start: Click on the calendar and select the hearing commencement date.

Hearing Date – End: Click on the calendar and select the hearing conclusion date

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Hearing Location: Enter the city/town and province/territory where the hearing took place.

Decision Date: Click on the calendar and select the date on which the decision was finalized. Entering this field will also create and auto populate the signature fields for the Adjudicator and the claimant.

Attending:

Lawyer for Claimant: Place your cursor in this field and insert the First and Last Name of the claimant's counsel. Entering a name here will also create and auto populate the signature field for this individual.

Claimant Supporter(s): Place your cursor in this field and insert the First and Last Name(s) of any support people who accompanied the claimant (if applicable). Do not put anything in this field if no claimant supporter attends.

Canada's Representative: Place your cursor in this field and insert the First and Last Name of the individual representing Canada at the proceedings. Entering a name here will also create and auto populate the signature field for this individual.

Church Representative: Place your cursor in this field and insert the name of the church representative in attendance (if applicable). Entering a name here will also create and auto populate the signature field for this individual. Do not put anything in this field if no Church Representative attends.

Resolution Health Support Worker: Place your cursor in this field and insert the name of the Resolution Health Support Worker in attendance (if applicable). Do not put anything in this field if no RHSW attends.

Schedule P (non-resident) situation: If this is a Schedule P (non-resident situation), place your cursor in the box to the right of the text (mouse click a single time.) A red "x" will appear and the form will be adjusted with the appropriate information. If you click in the box in error, (this is not a Schedule P (non-resident) situation, simply click again to remove the "x". The form will automatically generate the correct information.

Short Form Decision

Gender: In paragraph (a), click the appropriate button to identify the claimant's gender.

Section 1: Acts Proven

Abuse Level: Click on the Abuse level box. Select from the drop down box the most serious compensable abuse level (SL5-SL1). When your selection is made a further drop down box will display the abuse components. Click on the applicable abuse component. If more than one applies, hold down the Control Key and highlight the applicable abuse components by clicking your cursor over the applicable abuse component(s). Once highlighted, release the cursor and the Control Key. Press enter and the fields will populate the field box.

Points Awarded: Enter the number of points awarded for the abuse sustained The Form will only allow points awarded in accordance with the Compensation Rules set out in Schedule D of the Settlement Agreement.

Description of Most Serious Abuse: Briefly describe the acts and clearly identify if the abuse was committed by staff, adult(s) lawfully on the premises, or student(s). This response is limited to 450 characters. **Do NOT refer to any alleged perpetrator by name.**

Subsumed Abuse: If there is no subsumed abuse, do NOT select "Add New Incident". If there is subsumed abuse, select "Add New Incident" for each level of subsumed abuse to be added. Follow the same procedure as described under Abuse Level. The Points Awarded Box is defaulted to show "0" points.

If more than one Subsumed Abuse Incident is required, click on the Add New Incident Tab for each incident. Follow the same procedure for completion as described under Abuse Level.

Description of Subsumed Abuse: Briefly describe the subsumed act and clearly identify if the abuse was committed by staff, adult(s) lawfully on the premises, or student(s). This response is limited to 450 characters. **Do NOT refer to any alleged perpetrator by name.**

Section 2: Consequential Harms

Consequential Harms: Click on the Consequential Harms drop down box. Select the most serious harm level. (H5-H1). If Consequential Harm is not applicable click N/A. When H5-H1 is selected, the text description of the selected Consequential Harm is auto populated.

Points Awarded: Enter the number of points awarded for Consequential Harm sustained. The Form will only allow points awarded in accordance with the Compensation Rules set out in Schedule D of the Settlement Agreement.

Section 3: Aggravating Factors

Aggravating Factors: Points for Acts and/or Harms will be inserted automatically based on the entries made under these categories. Insert the percentage (5-15%) increase in points for aggravating factors (if applicable). If there are no aggravating factors, enter "0".

Section 4: Consequential Loss of Opportunity

Consequential Loss of Opportunity: Click on the Consequential Loss of Opportunity drop down box. Select the most serious harm level. (OL5-OL1). If Consequential Loss of Opportunity is not applicable click N/A. When selected OL5-OL1 is selected, the text description of the selected Consequential Loss of Opportunity is auto populated.

Points Awarded: Enter the number of points awarded for Consequential Loss of Opportunity sustained. The Form will only allow points awarded in accordance with the Compensation Rules set out in Schedule D of the Settlement Agreement.

Override Dollar Amount: Insert the compensation amount (in accordance with the Compensation Rules set out in Schedule D of the Settlement Agreement).

Section 5: Future Care

General: If applicable, based on a future care plan, input the award for future care. (maximum \$10,000).

If psychiatric treatment is required: In the event that psychiatric treatment is an element of the future care plan, the cumulative total between general and psychiatric treatment must not exceed \$15,000.

Submissions and Post Hearing Procedure

While the SFD is an important and innovative tool, its availability and suitability will depend on the facts of each case and on whether the individual representatives have the mandate, and all participants have the willingness and comfort level to use the SFD in that particular case.

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Nobody should be pressured into the use of an SFD. Practice Direction 2 is unique in that its use depends on the agreement of all representatives and the adjudicator. Its success will depend on the comfort level that IAP users have with its implementation. We know that all of our adjudicators are very skilled in generating a mutually respectful environment that is sensitive to all participants. Adjudicators now have the tools to facilitate a SFD, where the representatives wish to pursue it. However, if any one of the representatives (or the adjudicator for that matter) is not comfortable with the use of the SFD in a particular case, any such participant has the right to say no and to be respected in that position.

Discussions regarding the potential for a short form decision are likely to take place during caucus prior to the end of the hearing. In those cases where the parties agree a short form decision may be appropriate, the Adjudicator is encouraged to seek the positions and expectations of the parties, before offering his/her own opinion, guidance or direction as to where the Adjudicator thinks points should be assigned within the range.

Final submissions are to take place prior to completing the short form decision. The parties should go on record detailing their positions, specifically supporting the levels and point ranges with their reasons in the same manner as if the parties were not utilizing the short form decision. Adjudicators are then encouraged to share their views regarding the appropriate compensation, including levels and points values, following submissions. In the end, all parties and the adjudicator must agree to the use of the short form decision. **The use of the short form decision does not eliminate the need for the Adjudicator to render a decision.**

If the parties agree, the Adjudicator is encouraged to complete the decision in its entirety immediately following the hearing, with the parties present. **Alleged Perpetrators are not referred to by name anywhere in the Short Form Decision.**

The decision certification must be signed by the Claimant, Claimant's Counsel, Canada's Representative and the Church's Representative (if attending).

After signature by the claimant and representatives, the Adjudicator must sign the decision. A post hearing report remains necessary in the case of a short form decision.

Procedure to be used when a printer is available at the hearing

Once completed, the form is saved automatically. The Adjudicator must print a copy of the decision including the decision certifications. The decision certification must be signed by the Claimant, Claimant's Counsel, Canada's Representative and the Church's Representative (if attending). This option is always the preferred method, since: (a) the use of the fillable form rather than a handwritten version will prevent math errors; (b) the fillable form reminds adjudicators not to refer to Alleged Perpetrators by name; and (c) there is no need to ensure that a handwritten version reconciles with the fillable form, as only one version of the decision is produced.

Procedure to be used when a printer is not available at the hearing

If no printer is available at the hearing, in addition to completing the fillable form on computer, the adjudicator should complete a version of the decision with the blanks filled in by hand, in order that there is one fully signed copy at the end of the hearing. Adjudicators should bring blank forms with them to the hearing. Adjudicators are asked to check to see that the levels, points and dollars in the version filled in by hand reconcile with the numbers in the fillable form on computer. When the adjudicator later has access to a printer, the adjudicator is asked to print out the fillable form so that there is one version that is fully typewritten. The adjudicator should then sign this version where indicated. This form can be sent in to the Secretariat with the remaining signatures blank, as long as original signatures of the remaining parties (Claimant Counsel, Canada's Representative and Church Representative, if attending) are submitted on the handwritten version of the Decision.

The "official" version of the decision is the one that is released from the Secretariat, so that the time clock for requesting a review or review of legal fees starts to run from the date of release of the Decision by the Secretariat. However, where facilities are available, adjudicators may provide copies of the decision to the representatives and the claimant at the hearing, provided such copies are clearly marked "Hearing Room Copy".

Adjudicator's Report to Secretariat

The Adjudicator must submit the signed typewritten decision via EDI to "Mail_and_Records". See "post hearing procedure", above.

Once per month, please send a package to the Secretariat containing the original signed short form decisions.

Turn-around

The Chief Adjudicator's Office must be in receipt of the signed decision and the original copy of the decision certification within 5 business days following the conclusion of the hearing. The quicker the turn-around time, the greater the likelihood that the pilot project will be successful.

Legal Fees

The usual rules regarding legal fee reviews apply.

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