

# Core Competencies for Tribunal\* Members/Decision Makers

\* Tribunal broadly refers to organizations, departments, boards, agencies and commissions that include decision makers.

Competent Tribunal Members/Decision Makers conduct their work demonstrating the following attributes:

## 1. Knowledge and Values

- 1.1 understand legal framework, jurisdiction, procedure and subject matter.
- 1.2 exhibit professionalism and show commitment by providing high standards of service. (Ethics, accountability, professional responsibility)<sup>1</sup>
- 1.3 maintain an organizational culture that fosters integrity, transparency and accountability for all tribunal processes and proceedings.<sup>2</sup>
- 1.4 are aware of and respect diversity in all forms. Such diversity may be related although not exclusively, to beliefs, gender, race, religious customs, age, disability, mental capacity, sexual orientation, transsexuality, social or economic status, marital or civil partnership status and lifestyles.<sup>3</sup>

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<sup>1</sup> Adapted from Tribunal Competencies – Qualities and Abilities in Action – Judicial Studies Board – October 2007 (JSC)

<sup>2</sup> National Association for Court Management – Strengthening Court Professionals – Core Competencies (NACA)

<sup>3</sup> Adapted from JSC

## 2. Communication

- 2.1 communicate effectively – use Plain Language (“language readily understood by all”).
- 2.2 make effective use of supporting computing facilities and software.
- 2.3 facilitate participation of all parties, representatives and decision-makers to ensure fair treatment and fair process.<sup>4</sup>

## 3. Conduct of Cases

- 3.1 establish and maintain independence and authority of decision-maker and tribunal.<sup>5</sup>
- 3.2 demonstrate integrity, impartiality and independence.<sup>6</sup>
- 3.3 understand four principles of duty to be fair and apply them to administration of cases.<sup>7</sup>
- 3.4 facilitate full participation of all parties to ensure fair treatment and just outcome.
- 3.5 manage the hearing in a manner that enables proper participation by all those present.
- 3.6 deal effectively and efficiently with case management issues.
- 3.7 manage the hearing to facilitate a fair and timely conclusion.<sup>8</sup>

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<sup>4</sup> JSC

<sup>5</sup> JSC

<sup>6</sup> JSC

<sup>7</sup> FOAJ POAJ materials

<sup>8</sup> JSC

## 4. Legislation

- 4.1 understand, use and apply the tribunal's legislation and other applicable legislation and process.
- 4.2 use the modern method of interpretation to interpret legislation, and use the interpretation in decision-making.
- 4.3 logically explain interpretation in decisions, and other tribunal communication.<sup>9</sup>

## 5. Evidence

- 5.1 undertake necessary preparatory work for all cases.<sup>10</sup>
- 5.2 identify and assimilate relevant facts and expert evidence.
- 5.3 ask questions (appropriate to style of hearing) concerning material issues.<sup>11</sup>
- 5.4 conduct hearing to encompass all relevant issues.<sup>12</sup>
- 5.5 if appropriate, seek further evidence as required.
- 5.6 use relevance and reliability for admitting evidence, weigh evidence appropriately, distinguish between "information", evidence and fact.<sup>13</sup>
- 5.7 explain rationale for weighing evidence and fact finding in decisions.

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<sup>9</sup> FOAJ Interpreting Legislation materials

<sup>10</sup> JSC, FOAJ POAJ, Effective Hearings, Presenting Cases and Investigation materials

<sup>11</sup> FOAJ

<sup>12</sup> FOAJ POAJ, Decision Making and Effective Hearings materials

<sup>13</sup> FOAJ course (Evidence and POAJ) materials

## 6. Decision-Making and Decision Writing

- 6.1 take an active part in deliberations and decision-making, demonstrate sound judgment.<sup>14</sup>
- 6.2 use a structured decision-making process.<sup>15</sup> This includes identifying issues, extracting legal tests from legislation, sorting evidence by test, weighing evidence to find facts on each test, deciding based on facts found on each test and reaching a conclusion.<sup>16</sup>
- 6.3 explain decision or conclusion using effective and appropriate communication (plain language).<sup>17</sup>
- 6.4 deliver the decision, conclusion, or submission in a timely manner.<sup>18</sup>

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<sup>14</sup> JSC

<sup>15</sup> JSC

<sup>16</sup> FOAJ Decision Making and Decision Writing materials

<sup>17</sup> From JSC

<sup>18</sup> From JSC