



Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009

Ontario Review Board

Service Standard Policy

Introduction

The *Good Government Act, 2009* (GGA), received Royal Assent on December 15, 2009. Schedule 5 to the GGA enacted the new *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* (ATAGAA). The purpose of the ATAGAA is to ensure that adjudicative tribunals are accountable, transparent and efficient in their operations, while remaining independent in their decision-making.

The Ontario Review Board has developed documents to meet the legislative requirements of the ATAGAA.

Section 5 of the ATAGAA requires that every adjudicative tribunal shall develop a service standard policy. The policy must contain a statement of the standards of service that the tribunal intends to provide, a process for making, reviewing and responding to complaints about the service provided; and any other matter specified in the regulations or in a directive of the Management Board of Cabinet.

The Ontario Review Board (the Board) is an independent adjudicative tribunal created pursuant to Part XX.1 of the *Criminal Code of Canada*. It is a specialized Board which has forensic expertise, and adjudicates matters of public safety and personal liberty in relation to persons found not criminally responsible of criminal offences on account of mental disorder under section 16 of the *Criminal Code*, or persons found unfit to stand trial because of mental disorder.

The Government of Ontario appoints members to the Board to conduct adjudicative activities.

The Board's practices and procedures are established to support fair, open and accountable services and to maintain the principles outlined in its policies.

The Board is committed to providing French services in accordance with the *French Language Services Act* (FLS) and to provide services in French. The Board is committed to equal access and to fair hearing principles in accordance with its obligations under FLS and in recognition of French linguistic rights of parties that appear before the Boards.

The Service Standards Framework

The Board's commitment to service standards is guided by the Memorandum of Understanding ("MOU") with the Ministry of Health and Long-Term Care. The MOU establishes the accountabilities of the Board, the roles and responsibilities of the Board Members, and the expectations for the operational, administrative, financial, auditing and reporting arrangements. The Memorandum between the Minister and the Board is included with this document.

Further to the MOU, the Board establishes a Business Plan that confirms its mandate, reviews current service levels, and builds a strategic plan. Within the Business Plan, the Strategic Plan outlines the Board's priorities in the timeframe of the Plan, and establishes unique performance measures and legislated requirements for each priority identified. The Business Plan for the Board is included with this document.

Service Standards Policy

Under the direction of the Chair, the Board adopts this Service Standard Policy (the Policy).

The services provided by the Board are identified below:

The Ontario Review Board is an independent adjudicative tribunal created by the *Criminal Code of Canada* that determines levels of risk and makes decisions and dispositions for persons found not criminally responsible on account of mental disorder, or unfit to stand trial, in accordance with Part XX.1 of the *Criminal Code*. The Board adjudicates the following matters:

- making and reviewing dispositions for persons found unfit to stand trial and not criminally responsible on account of mental disorder;
- reviewing the exercise of hospital discretion to significantly restrict the liberty of persons detained in hospital pursuant to dispositions of the Ontario Review Board;
- making recommendations for the transfer of NCR accused to another province;
- determining fitness and returning fit accused to court;
- making recommendations to courts for a stay of proceedings where unfit accused are found permanently unfit to stand trial, but are no longer a significant threat to the safety of the public;
- making placement decisions for dual status offenders who have been found not criminally responsible on account of mental disorder, and who have been sentenced to prison terms.

This Policy aligns the Board's business plan with the MOU to identify specific service standard objectives and further improve on the following standards:

- Better representation of Ontario's diverse population, by increasing the diversity of Board Members' backgrounds, geography and experience;
- Providing fair and accessible services by operating in accordance with the *Human Rights Code, R.S.O., 1990* and with Board policies including the Accessibility Policy; and
- Adhering to specific service timelines required by its legislation

Service Standards Practices

The Board has established the following as part of its commitment to establish service standards:

a) Rules of Procedure

The Rules of Procedure for the Board spells out the processes and procedures the Board follows in carrying out its mandate. A copy is attached to this document and is also available on the Board's website: www.orb.on.ca.

b) Privacy

The Board will establish a Privacy Policy to maintain the transparency of the adjudicative process while protecting the privacy of information before the Board.

c) Code of Conduct

All members of the ORB are required to comply with the Code of Conduct established by the Board. The Code of Conduct sets out the standards of conduct for members of the Board. The Code of Conduct includes principles related to integrity, objectivity and impartiality, confidentiality and compliance, to which every member must adhere. It can be found at www.orb.on.ca

d) Making Complaints

The ORB is governed by a Public Complaints Policy (adopted August 15, 2010), which is attached to this document. The Public Complaints Policy articulates how complaints may be made to the Board (in writing), how the complaint will be processed, and differentiates between complaints against staff members, Board Members, and the Chair. The Policy also governs general complaints about the Board's policies and procedures. The Public Complaints Policy further commits to timeliness and confidentiality.

e) Alternate Remedies

Nothing in this Policy shall be interpreted as affecting:

- a) a process or remedy available under the *Ombudsman Act*;
- b) a right of appeal from any disposition or placement decision to the Ontario Court of Appeal
- c) a right to bring an application for judicial review.

Adoption

This Policy was adopted by the Chair, The Hon. Mr. Justice Richard D. Schneider, on October 1, 2012.

Contact Information

Address:	Ontario Review Board 151 Bloor Street West, 10 th Floor Toronto ON M5S 1S4
Phone:	416-327-8866
	TTY: 416-326-7889 TTY Toll Free: 1-877-301-0889
E-mail:	orb@ontario.ca
This document is available on the Board's website at www.orb.on.ca .	
If you have any questions about this document or would prefer it in an alternative format, please contact the Ontario Review Board.	