

## Fairness in Practice: Aspects of Procedural Fairness

### Essentials of Procedural Fairness

**Impartial Decision Maker:** Decision maker should be unbiased and must not have prejudged case.

**Notice:** Provide reasonable notice of potential decision, as well as information about the decision-making criteria and process.

**Opportunity to be Heard:** Provide opportunity for person affected by decision to make submissions and have their views considered.

**Timely Decision:** Make decision within timeframe specified by policy or law, and communicate decision without delay.

**Clear and Meaningful Reasons:** Provide a clear explanation of the reasons for the decision.

**Appeal or Review Procedure Explained:** Provide information about how to access any appeal or review procedure and specify time limits.

*Exercise discretion reasonably to consider the individual circumstances of the person affected by the decision.*



**Process:** What process was followed to make the decision? Was the process followed fair?

**Decision:** Was the applicable policy or law followed? Was the decision reasonable in the circumstances?

**Service:** How was the person treated? Was communication respectful, timely and responsive?

The B.C. Ombudsperson provides independent and impartial oversight of public authorities to ensure every person is treated fairly in the provision of public services. Our three-year Prevention Initiatives Program (2017-2020) offers educational webinars, training workshops and individual consultation with public authority staff to support fairness and continuous improvement across the public sector. By working proactively with public authorities, we are able to share our expertise and knowledge of administrative fairness principles outside of the setting of formal investigations.

## Providing a Good Response to a Complaint

### Be Responsive

Listen to the person's concerns.

Acknowledge their experience with the situation.

Respond to the person's concern by taking further steps if necessary, or by explaining why no further steps will be taken.

### Be Accurate

Describe steps taken to review person's concerns.

Explain criteria used to make decision and if possible, explain rationale or reason for criteria.

Explain outcome or conclusion drawn.

### Be Accessible

Use plain language.

Write for your audience.

Make your response as short and simple as the facts, issue and law will allow.

## Providing Good Reasons for Decisions

### Benefits of Providing Good Reasons

- Greater acceptance of decisions
- Better informed reviews and appeals
- Efficient use of time and resources
- Supports transparency
- Leads to better decisions

*Reasons should explain why a decision was made and should include the following elements:*

**Issue:** The issue to be decided.

**Facts:** The facts and evidence the decision is based on. Explain any evidence or information that was rejected and why it was rejected.

**Applicable Law, Regulation or Policy:** The law or policy relevant to the decision should be provided and explained if necessary.

**Analysis:** A clear explanation of how the law or policy was applied to the facts and the resulting conclusions reached.

**Decision:** The decision reached should be clearly stated.

**Review or Appeal Rights:** Include information about any review or appeal available and specify any time limits to seek a review or appeal.

Visit our website to access our webinar series or download additional resources from our Prevention Initiatives Program [www.bcombudsperson.ca/resources/prevention](http://www.bcombudsperson.ca/resources/prevention). To sign up to receive notices of upcoming training opportunities and other news from the Prevention Initiatives Program, send us an email to [consult@bcombudsperson.ca](mailto:consult@bcombudsperson.ca).