

QUICK TIPS

10 TIPS ON MAKING FAIR DECISIONS



OMBUDSPERSON
BRITISH COLUMBIA

BEFORE MAKING YOUR DECISION

1

Clarify the issue or question

Determine the issue or question you have to decide. Sometimes people raise multiple issues when they contact a public body. Make sure you explain what issues you can address and why.

2

Determine the rules

Make sure you know and clearly understand the rules that apply. Make sure the rules provide you with the legal authority to make the decision and that you understand the scope and limits of that authority.

Rules may include legislation, regulations, bylaws, policy, procedures and other guidance documents.

3

Be impartial

Approach each decision with an open mind. Avoid prejudging the case, or making assumptions about the people involved. You need to be impartial about the issues you are deciding and the people affected by your decision.

4

Give notice of your decision

Make sure you give advance notice of your decision to the people you think may be affected by it. Explain the decision making process and the rules that apply, including the specific criteria you will use to make the decision. Share any information or evidence that you will rely on to make your decision, particularly where it may have an adverse impact on a person.

WHILE MAKING YOUR DECISION

5

Gather all relevant information and evidence

Determine and gather the information and evidence you need to make a well-informed decision. Resolve any conflicting evidence and be prepared to explain how you considered the information to reach your conclusion. Make sure you are basing your decision only on relevant facts in light of the rules that apply.

6

Provide an opportunity to be heard

Invite the person affected by your decision to provide you with any information they have. It is important to get the person's side of the story before you make your decision. It is also important that they have a chance to challenge information that may adversely affect them and present any contrary information. Make sure that you give the person enough time to respond to you.

7

Make your decision by applying the rules to the information you gathered

Make sure you understand and follow the rules that apply, consider only relevant information, reasonably exercise any discretionary power you have and make your decision based on the individual circumstances of the case before you. Your analysis of the facts should be clearly tied to the rules that apply and lead to a logical and reasonable conclusion.

Discretion is the power to choose between two or more possible courses of action using one's professional expertise and judgment. Discretionary power must be exercised:

- fairly and reasonably
- in good faith
- in a manner that is consistent with the applicable legislation
- based on relevant considerations

AFTER MAKING YOUR DECISION

8

Communicate your decision

Explain your reasons for making the decision. Make sure you explain how you applied the rules to the information and evidence in order to reach a decision. It is important to explain how you considered the person's information and argument, and how you factored it into your decision. Make sure there are no gaps in your reasoning - the person receiving your decision should not have to guess how you made your decision or fill in gaps to understand your decision.

Reasons explain how and why a decision was made and can help lead to:

- Greater acceptance of decisions
- Better informed reviews and appeals
- Transparency in decision making
- Increased public accountability

9

Give information about appeal or review options

Tell the person about any appeal or review processes that are available to them if they are dissatisfied with your decision. Make sure to also tell them about any time limits that apply.

10

Document your decision

Clearly document your decision so that others can see what information and evidence you looked at, what rules you applied, and how you reached your conclusion. If you rejected certain evidence in the process, explain the reason why.

The Office of the Ombudsperson is an oversight office, independent of government, that investigates complaints about administrative unfairness and makes recommendations for system-wide improvements. The office also offers advice and investigates allegations of serious wrongdoing from BC public servants. Our Consultation and Training Team offers educational webinars, training workshops and individual consultation with public organizations to support fairness and continuous improvement across the public sector. For more information, please contact us at consult@bcombudsperson.ca.

