



Decision Quality Assurance Policy and Standard Operating Procedures

Ministry of Justice

Office of the Superintendent
of Motor Vehicles

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Office of the Superintendent of Motor Vehicles
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Victoria BC
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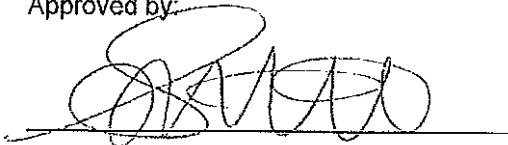
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Approval of Policy

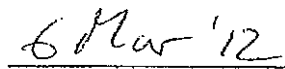
The Office of the Superintendent of Motor Vehicles ("OSMV") regulates drivers to help ensure the safe and responsible operation of motor vehicles in British Columbia. To meet this mandate, policies are required in a variety of program areas.

The goal of the *Decision Quality Assurance Policy Standard Operating Procedures* is to provide policy guidelines and quality assurance measures to ensure that a complete review process has been properly detailed in all adjudication decisions issued by the Administrative Justice Division of the OSMV.

Approved by:



Steve Martin
Superintendent of Motor Vehicles



Date

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Administrative Justice**

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1) Appeals Registry Level

- Any review that includes a supplementary report from the police is to be date stamped and immediately given directly to the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice for assessment, whether a review is pending or not.
- The file will proceed accordingly.

2) Adjudicator Level – Prior to commencing the Review Hearing

Adjudicators have been directed to review every case *prior* to conducting a review hearing to determine if the file contains material that should be brought to the immediate attention of the Director of Administrative Justice or delegates such as:

a) Supplemental Reports from police recommending cancellation of the IRP

- If there is a supplemental report from police recommending the IRP be cancelled, the file should immediately be brought to the attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice for review and assessment.
- The file will proceed accordingly.

b) Atypical documents

- Typical documents vary depending on the type of file. (Examples include Reports to Superintendent, Notices of Prohibition, and Prime Reports.) Should the file contain atypical documents such as blood test results, video/audio/photographic evidence, third party information, etc., it should immediately be brought to the attention of a Team Lead who will review the file and bring the issue to the attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice for further review and assessment. If in doubt as to whether a document is typical or atypical, please defer to one of the Managers or Director for assistance.
- The file will proceed accordingly.

c) Cases that may have broader case law implications

- As independent decision makers, adjudicators are still bound to render their decisions in accordance with existing case law and previous legal advice provided by Legal Services Branch counsel. As delegates of the Superintendent of Motor Vehicles, it is important that best efforts are made to ensure OSMV decisions are consistent with previous OSMV jurisprudence and are permissible within the

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confines of enabling legislation. The quality assurance policy and procedures are created to help achieve this objective.

- When uncertain about the legal aspects of a decision, adjudicators are encouraged to consult with their Team Leads for requested legal advice from Legal Services Branch.
- Any case that an adjudicator believes may have the potential to have broader case law implications should immediately be brought to the attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice for consideration and possible referral to Legal Services Branch for advice.
- The file will proceed accordingly.

3) Adjudicator Level - Post-Adjudication Hearing

Decision Writing Quality Assurance Measures

Peer Review Process:

- Peer reviewers have been assigned to each adjudicator to review all draft decisions for quality assurance purposes.
- *Prior* to any review decision being mailed to a recipient, the decision must go through a two-step peer review process.

1st Step

- In the initial review, the peer reviewer will proofread the review decision to ensure that the decision is grammatically correct, based on a sound analysis of the facts that logically leads the reader to the stated conclusion, and is consistent with the legislation and policy framework prescribed by the Superintendent of Motor Vehicles.
- These quality assurance measures are in no way intended to fetter with a decision maker's independent decision-making. Rather, it is to ensure that the adjudicator's decision is consistent with the Office of the Superintendent of Motor Vehicles (OSMV) jurisprudence and as well as to ensure the adjudicator's decision is properly articulated and in accordance with the enabling legislation.
- In order to ensure that all decisions contain requisite elements, guideline checklists have been developed for each program area. They are comprehensive writing/reviewing guideline checklists. Adjudicators are directed to refer to the following attached checklists when rendering decisions:
 - Immediate Roadside Prohibition Checklist
 - 24-Hour Prohibition Checklist
 - Vehicle Impoundment Checklist
 - Unlicensed Checklist

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- 118 Appeal Checklist
- ADP Checklist
- VI Economic Hardship and Compassionate Release Checklist
- Street Racing Checklist
- DIP Checklist

2nd Step

- Once peer reviewers have made their initial proofreading recommendations to the draft decision and the adjudicator has made their edits to the document, adjudicators are to return the original document containing the peer reviewer's mark-ups, plus a copy of the latest version of the draft decision to the peer reviewer for a final review before it is mailed to the recipient
- The peer reviewer will again consider whether any decision may have broader case law implications. These decisions will immediately be noted and brought to the attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice prior to being mailed to the recipient.

Adjudicator/Peer Reviewer Sign-Off:

- Adjudicators and peer reviewers are required to sign and date the Writing/Reviewing Checklist acknowledging completion of each step of the two-step Peer Review Process.
- Decisions are not authorized to be mailed to recipients until they have been signed off at the second stage of the Peer Review Process.

Read & Review Process:

- The Manager of Adjudication and Manager of Adjudication and Training will work directly with staff and Team Leads where necessary in order to provide extra support in the Peer Review Process. Decisions moving through the Read & Review Process are not authorized to be mailed to recipients until they have been signed off by either Manager.
- The Manager of Adjudication and Manager of Adjudication and Training will, from time to time, continue to perform regular read and review spot checks of decisions to ensure quality control, assess training needs, and address policy and performance issues.

4) Decision Quality Assurance Policy Acknowledgement

- Adjudicators will be required to affix their signature on a Decision Quality Assurance Policy document acknowledging that they have read and understood the mandatory prescribed steps in the Peer Review Process, the Read & Review Process and quality assurance operating procedures. The Decision Quality Assurance Policy Standard Operating Procedures are not discretionary.

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ACKNOWLEDGEMENT

The purpose of this document is to consolidate quality assurance measures that have been implemented as standard operating procedures in the administrative justice process. Management and staff recognize that this document may need to be modified as processes/procedures change.

These quality assurance measures are in no way intended to fetter with a decision maker's independent decision-making. Rather, they are intended to ensure that an Adjudicator's decision is consistent with the Office of the Superintendent of Motor Vehicles (OSMV) policy and properly articulated in accordance with legislation.

This document will also serve as an acknowledgement that Adjudicators understand the requisite steps in the quality assurance process, including the Peer Review Process and the Read & Review Process by the Manager of Adjudication and the Manager of Adjudication & Training.

1) Adjudicator Responsibility - Prior to the commencement of a Review Hearing

Adjudicators are instructed to review every case file prior to conducting a review hearing to determine if the file contains material that should be brought to the immediate attention of the Manager of Adjudication, Manager of Adjudication and Training, or Director of Administrative Justice.

For example:

a) Supplemental Reports from police recommending cancellation of the IRP

- If there is a supplemental report from police recommending the IRP be cancelled, the file should immediately be brought to the attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice for review and assessment.

b) Atypical documents

- Typical documents vary depending on the type of file (examples include Reports to Superintendent, Notices of Prohibition, and Prime Reports). Should the file contain atypical documents such as blood test results, video/audio/photographic evidence, etc., the document should immediately be brought to the attention of a

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Team Lead, who will review the file and bring the issue to the attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice for further review and assessment. If in doubt as to whether a document is typical or atypical, please defer to one of the Managers or the Director for assistance. Management will assist Adjudicators to meet the legislated deadlines for issuing decision letters or extend deadlines as necessary.

c) Cases that may have broader case law implications

- As independent decision makers, Adjudicators are still bound to render their decisions in accordance with existing case law and previous legal advice provided by Legal Services Branch counsel. As delegates of the Superintendent of Motor Vehicles, it is important that best efforts are made to ensure OSMV decisions are consistent with OSMV policy and are permissible within the confines of enabling legislation. The quality assurance policy and procedures are created to help achieve this objective.
- When uncertain about the legal aspects of a decision, adjudicators are encouraged to consult with their Team Leads, or Managers, to discuss seeking legal advice from the Legal Services Branch.
- Any case that an Adjudicator believes may have the potential to have broader case law implications should immediately be brought to the attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice for consideration and possible referral to Legal Services Branch for advice.

2) Adjudicator Responsibility - Post-Adjudication Hearing

Decision Writing Quality Assurance Measures

Peer Review Process:

- Peer Reviewers have been assigned to review all draft decisions for quality assurance purposes.
- Adjudicators are assigned to dedicated Peer Reviewers.
- *Prior* to any review decision being mailed to a recipient, all decisions must go through the two-step peer review process.
- Management acknowledges and accepts that the Quality Assurance process will slow the completion of the decision-making process. In cases where an Adjudicator believes there are extenuating circumstances that would prevent a decision from being issued within the legislated timeframe, they will immediately bring the matter to the attention of a Team Lead, Manager of Adjudication,

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Manager of Adjudication and Training, or Director of Administrative Justice, to determine if it is reasonable and appropriate to extend the file deadline.

1st Step

- In the first step of the review, the Peer Reviewer will proofread the Adjudicator's decision to ensure that the decision is grammatically correct, neutral in tone, based on a sound analysis of the facts that logically leads the reader to the stated conclusion, and is consistent with the legislation and policy framework prescribed by the Superintendent of Motor Vehicles.
- In order to ensure that all decisions contain requisite elements, guideline checklists have been developed for each program area. They are comprehensive writing/reviewing guideline checklists. Adjudicators are directed to refer to the following attached checklists when rendering decisions:
 - Immediate Roadside Prohibition Checklist
 - 24-Hour Prohibition Checklist
 - Vehicle Impoundment Checklist
 - Unlicensed Checklist
 - 118 Appeal Checklist
 - ADP Checklist
 - VI Economic Hardship and Compassionate Release Checklist
 - Street Racing Checklist
 - DIP Checklist

2nd Step

- Once a Peer Reviewer makes his or her initial proofreading recommendations of an Adjudicator's work, and the Adjudicator has made his or her edits to the document, the Adjudicator will return the original document containing the Peer Reviewer's mark-ups, plus a copy of the latest version of the document to the Peer Reviewer for a second review before it is mailed to the recipient.
- Should a Peer Reviewer and an Adjudicator have differing opinions of suggested edits to a decision, the Parties will discuss the matter with their Team Lead for direction in resolving the difference of opinions.
- The Peer Reviewer's edits are limited to ensuring that the decision is grammatically correct, based on a sound analysis of the facts that logically leads the reader to the stated conclusion, and is consistent with the legislation and policy framework prescribed by the Superintendent of Motor Vehicles.
- The Peer Reviewer will also consider whether a decision may have broader case law implications. These decisions will immediately be noted and brought to the

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attention of the Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice *prior* to being mailed to the recipient.

- A Peer Reviewer will highlight the decision due date for Managers, and Managers will ensure that Adjudicators are able to meet the legislated deadlines, or will allow the decision to be extended as necessary.

Adjudicator/Peer Reviewer Sign-Off:

- Adjudicators and Peer Reviewers are required to sign and date the Writing/Reviewing Checklist acknowledging completion of each step of the two-step peer review process. Review decisions are not authorized to be mailed to recipients until they have been signed off at the second stage of the peer review process. Peer Reviewers will keep copies of the decision drafts and signed off checklists, and provide Adjudicators with a copies of these documents should they request them.

Read & Review Process:

- The Manager of Adjudication and Manager of Adjudication and Training will work directly with Adjudication staff and Team Leads where necessary in order to provide extra support in the Peer Review Process, as Read and Reviewers of decisions. Decisions moving through the Read & Review Process are not authorized to be mailed to recipients until they have been signed off by either Manager. The Managers will ensure that Adjudicators are able to meet the legislated deadlines or authorize extensions as necessary.

ACKNOWLEDGEMENT:

I, _____ have read and understood
(print name)

the above-noted policies concerning decision writing quality assurance including the Peer Review Process and the Read & Review Process. I acknowledge that these procedures are not discretionary and must be followed unless otherwise authorized by a Team Lead, Manager of Adjudication, Manager of Adjudication and Training, or the Director of Administrative Justice.

NAME:

DATE:

File Number _____ Adjudicator Name _____

Elements of the decision	Adjudicator	1 st Review	2 nd Review	Comments
	CHECK ✓	CHECK ✓	CHECK ✓	
1. Introduction				
2. Preliminary Matters				
3. Issues				
4. Facts, Evidence, and Analysis				
5. Decision				
Writing Style, Grammar, Spelling				
Correct template				
Consistent terminology				
Names identified the same throughout				
Spell/grammar check done				
Plain language				
Keep language unbiased				
No personal opinions expressed				
Acronyms defined and used consistently				
Minimal quoting of legal decisions				

Comments to Team Lead:

Adjudicator Signature _____ Date _____

Peer Review Signature _____ Date _____

Peer Review Final Sign Off _____ Date _____

Read and Review Sign Off _____ Date _____

File Number _____ Adjudicator Name _____

Elements of the decision	Adjudicator	1 st Review	2 nd Review	Comments
	CHECK ✓	CHECK ✓	CHECK ✓	
1. Introduction				
2. Summary of Applicant's Submission				
3. Driving Record History				
4. Facts, Evidence, and Analysis				
5. Decision				
Writing Style, Grammar, Spelling				
Correct template				
Consistent terminology				
Names identified the same throughout				
Spell/grammar check done				
Plain language				
Keep language unbiased				
No personal opinions expressed				
Acronyms defined and used consistently				
Minimal quoting of legal decisions				

Comments to Team Lead:

Adjudicator Signature _____ Date _____

Peer Review Signature _____ Date _____

Peer Review Final Sign Off _____ Date _____

Read and Review Sign Off _____ Date _____

File Number _____ Adjudicator Name _____

Elements of the decision	Adjudicator	1 st Review	2 nd Review	Comments
	CHECK ✓	CHECK ✓	CHECK ✓	
1. Introduction				
2. Preliminary Matters				
3. Grounds for review				
4. Facts, Evidence, and Analysis				
5. Conclusion				
Writing Style, Grammar, Spelling				
Correct template				
Consistent terminology				
Names identified the same throughout				
Spell/grammar check done				
Plain language				
Keep language unbiased				
No personal opinions expressed				
Acronyms defined and used consistently				
Minimal quoting of legal decisions				

Note: The absence of evidence does not lead to a revocation of the 24-hour prohibition. For example, the absence of a report from the police officer does not, in and of itself, result in the prohibition being revoked. The onus is on the driver to provide evidence to support the allegations in his or her submission, or the prohibition cannot be revoked.

Comments to Team Lead:

Adjudicator Signature _____ Date _____

Peer Review Signature _____ Date _____

Peer Review Final Sign Off _____ Date _____

Read and Review Sign Off _____ Date _____