

Memorandum of Understanding

Between

The Minister of Health and Long-Term Care

And

The Ontario Review Board

2010-15

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Purpose

- a. The purpose of this Memorandum of Understanding (MOU) is to:
 - (i) establish the accountability relationships between the Minister and the Board through its Chair;
 - (ii) clarify the roles and responsibilities of the Chair, the Minister, the Deputy Minister and Senior Administrator and Registrar;
 - (iii) set out the expectations for the operational, administrative, financial, auditing and reporting arrangements between the Ontario Review Board and the Ministry of Health and Long-Term Care.
- b. This MOU should be read together with Part XX.1/Mental Disorder of the *Criminal Code (Canada)*, R.S.C. 1985, c. C-46, in particular, section 672.38 which directs provinces to establish or designate a Review Board in each province under the laws of the province. This MOU does not affect, modify or limit the powers of the Board as set out in Part XX.1/Mental Disorder of the *Criminal Code (Canada)*, R.S.C. 1985, c. C-46, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.

1. Definitions

In this MOU

- a. "Act" means Part XX.1/Mental Disorder of the *Criminal Code (Canada)*, R.S.C. 1985, c. C-46 that governs the Board.
- b. "AEAD" means the Treasury Board/Management Board of Cabinet Agency Establishment and Accountability Directive.
- c. "Appointee" means a member appointed to the Board by the Lieutenant Governor in Council, but does not mean an individual appointed to the Board as staff.
- d. "Board" means the Ontario Review Board.
- e. "Chair" means the Chair of the Ontario Review Board.
- f. "CAO" means the Chief Administrative Officer and Assistant Deputy Minister, Corporate Services Division, Ministry of Health and Long-Term Care.
- g. "Constituting instrument" means Part XX.1/Mental Disorder provisions of the *Criminal Code (Canada)*, in particular section 672.38 that established the Board.
- h. "Deputy Minister" means the Deputy Minister of the Ministry of Health and Long-Term Care.

- i. “Minister” means the Minister of Health and Long-Term Care.
- j. “Ministry” means the Ministry of Health and Long-Term Care.
- k. “MBC” means Management Board of Cabinet.
- l. “MGS” means the Ministry of Government Services.
- m. “MOU” means this Memorandum of Understanding between the Minister and the Ontario Review Board including all appendices thereto.
- n. “PSOA” means the *Public Service of Ontario Act, 2006*, S.O. 2006, c.35, Schedule A.
- o. “Senior Administrator and Registrar” means the senior public servant at the Ontario Review Board.
- p. “TB” means Treasury Board.

3. Board’s Legal Authority and Mandate

- a. The legal authority of the Board is set out in Part XX.1/Mental Disorder of the *Criminal Code (Canada)*, R.S.C.1985, c. C-46.
- b. The Board’s mandate is to hold hearings and make or review dispositions concerning the custody or release of an accused in respect of whom a verdict of not criminally responsible (NCR) on account of mental disorder or unfit (UF) to stand trial is rendered.

4. Classification

- a. The Board is classified as an adjudicative agency under the AEAD.

5. Guiding Principles

The parties agree to the following guiding principles:

- a. The Minister acknowledges that the Board exercises powers and performs duties in accordance with its legal mandate.
- b. The Minister acknowledges that the Board’s decisions must be made, and be seen by the public to be made, independently and impartially.

- c. The Minister acknowledges that the Board plays a meaningful role in the development of the policies and programs of government, as well as in the delivery of those policies and programs.
- d. The Chair acknowledges that accountability is a fundamental principle to be observed in the management, administration and operations of the Board.
- e. As an agency of government and an adjudicative tribunal, the Board conducts itself in its administrative affairs in accordance with the management principles of the government of Ontario. These principles include ethical behaviour, prudent, efficient and lawful use of public resources, fairness, independence of decision-making, high quality service to the public, and openness and transparency to the extent allowed under law.
- f. The Board and the Ministry agree to avoid duplication of services wherever possible subject to observance of the principle of independence in decision-making, which may in some cases limit or preclude the joint delivery of some services by the Board and the Ministry.

6. Accountability Relationships

6.1 Minister

- a. The Minister is accountable to the Legislative Assembly for the Board's fulfillment of its mandate, its compliance with government administrative policies and for these purposes reports and responds to the Legislative Assembly on the affairs of the Board.
- b. The Minister is accountable to the Cabinet for the performance of the Board and its compliance with the government's operational policies and broad policy directions.
- c. The Minister is responsible for representing the Board in the Cabinet and its committees, the Legislative Assembly, and before committees of the Legislature.

6.2 Chair

- a. The Chair is accountable to the Minister for the performance of the Board in fulfilling its mandate and for carrying out the roles and responsibilities assigned to the Chair by Part XX.1/Mental Disorder of the *Criminal Code (Canada)* and other applicable legislation, applicable TB/MBC and Ministry of Finance directives, the administrative policies of the Ministry and this MOU.

6.3 Deputy Minister

- a. The Deputy Minister is accountable to the Minister for the performance of the Ministry in providing administrative and organizational support to the Board and

for carrying out the roles and responsibilities assigned by the Minister, applicable TB/MBC and Ministry of Finance Directives, the administrative policies of the Ministry and this MOU.

6.4 Senior Administrator and Registrar

- a. The Senior Administrator and Registrar works under the direction of the Chair to implement policies and operational decisions, and report the Board's performance to the Chair.
- b. The Senior Administrator and Registrar is also accountable to the Chair for ensuring the Board's compliance with government and Ministry directives, guidelines, policies and procedures that relate to the administration and operation of the Board.
- c. The Senior Administrator and Registrar is accountable to the Deputy Minister or designate for any exercise of authority delegated from the Deputy Minister in accordance with the PSOA, applicable government directives and the Ministry's signing authority limits.
- d. The Senior Administrator and Registrar is accountable to the Chair for the management of the Board's operations and staff. The Board's staff report to and are accountable to the Senior Administrator and Registrar for their performance.

7. Conflict of Interest

- a. The Chair is responsible for ensuring that appointees and staff of the Board are informed of the conflict of interest rules, including the rules on political activities that govern the Board.
- b. The Board will follow the conflict of interest rules for ministries set out in regulations under the PSOA
- c. The Chair will record any declared or apparent conflicts of interest and promptly advise the Minister of any such conflict.

8. Roles and Responsibilities

8.1 Minister

The Minister is responsible for:

- a. Directing a review of the Board, at least once every six (6) years and directing any additional reviews of the Board, in accordance with the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009 (ATAGAA)*.

- b. Recommending to TB/MBC the powers to be given to the Board when a change in the mandate of the Board that is consistent with the Board's constituting instrument is being proposed.
- c. Reporting and responding to the Legislative Assembly on the affairs of the Board.
- d. Reporting and responding to the Cabinet on the Board's performance and compliance with the government's operational policies and broad policy directions.
- e. Receiving the annual report from the Board and tabling it in the Legislative Assembly within 60 days of receiving the final draft.
- f. When appropriate or necessary, taking action or directing that corrective action be taken with respect to the Board's mandate or operations.
- g. Informing the Chair of the government's priorities and broad policy directions for the Board.
- h. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the government is considering regulatory or legislative changes to provincial legislation that may affect the Board.
- i. Developing the Board's MOU with the Chair and signing it into effect.
- j. Reviewing and approving the Board's annual business plan.
- k. Recommending to TB/MBC any provincial funding to be given to the Board.
- l. Directing that a periodic review of the Board be conducted as necessary and making subsequent recommendations to TB/MBC
- m. Ensuring the timely recommendation of member appointments and reappointments to the Lieutenant Governor in Council for approval following consultation with the Chair.
- n. Ensuring the Ministry's compliance with this MOU.

8.2 Chair

The Chair is responsible for:

- a. Setting the goals, objectives, and strategic directions for the Board within its mandate as defined by Part XX.1/Mental Disorder of the *Criminal Code (Canada)*.
- b. Directing the affairs of the Board so as to fulfill its mandate as defined by Part XX.1/Mental Disorder of the *Criminal Code (Canada)*.
- c. Developing performance measures and targets for the Board.

- d. Approving the Board's business plan for submission to the Minister.
- e. Ensuring that public funds are used with integrity and honesty.
- f. Directing that corrective action relating to the operations of the Board be taken, if needed.
- g. Making decisions consistent with the business plan approved for the Board.
- h. Preparing the Board's annual report for submission to the Minister in a manner timely enough to allow the Minister to meet the requirements for tabling the report in the Legislative Assembly.
- i. Consulting with the Deputy Minister in the evaluation of the performance of the Senior Administrator and Registrar and pursuant to performance criteria established by the Deputy Minister and the Chair.
- j. Keeping the Minister informed of issues and events that may concern the Minister in the exercise of the Minister's responsibilities.
- k. Providing leadership to the Board.
- l. Monitoring the performance of the Board.
- m. Ensuring that the Board operates within its approved budget allocation in fulfilling its mandate.
- n. Developing the Board's MOU with the Minister and signing it on behalf of the Board.
- o. Reviewing and approving the Board's business plan, budget, annual report and financial reports, and submitting them to the Minister in accordance with the time lines specified in the applicable TB/MBC and Ministry of Finance directives and this MOU.
- p. Providing both the Minister and the Minister of Finance with a copy of every audit report, a copy of the Board's response to each report, and any recommendations in the report.
- q. Advising the Minister annually on any outstanding audit recommendations.
- r. Ensuring that appointees are informed of their responsibilities under the PSOA with respect to the rules of ethical conduct (Part III of the PSOA), including the political activity rules (Part IV PSOA).
- s. Recording any declared or apparent conflicts of interest and advising the Minister of these conflicts promptly.

- t. Making sure that appropriate management systems are in place (financial, information technology, human resources) for the effective administration of the Board.
- u. Making sure that an appropriate framework is in place for Board staff and appointees to receive adequate orientation and training.
- v. Making sure that Board staff and appointees are aware of and comply with applicable TB/MBC and Ministry of Finance directives.
- w. Making sure that a process is in place for responding to and resolving complaints from the public and Board clients.
- x. Carrying out effective public communications and relations for the Board as its chief spokesperson.
- y. Co-operating with any periodic review of the Board directed by the Minister or TB/MBC.

8.3 Deputy Minister

The Deputy Minister is responsible for:

- a. Consulting with the Chair on the performance evaluation of the Senior Administrator and Registrar.
- b. Advising the Minister on the requirements of the AEAD and other directives that apply to the Board.
- c. Advising the Minister on the operation of the Board or its consolidation.
- d. Establishing a framework for reviewing and assessing the Board's business plans and other reports.
- e. Advising the Minister on documents submitted by the Board to the Minister for review or approval, or both.
- f. Advising and assisting the Minister on meeting assigned ministerial responsibilities in respect of the Board.
- g. Undertaking reviews of the operations of the Board as directed by the Minister pursuant to the provisions of the ATAGAA.
- h. Cooperating with any review of the Board as directed by the Minister or TB/MBC.
- i. Monitoring the Board, on behalf of the Minister, while respecting the Board's

independence and authority; identifying needs for corrective action, where warranted; and recommending to the Minister ways of resolving any contentious issues that may arise from time to time.

- j. Ensuring that the Board has an appropriate risk management framework and mitigating strategy in place for managing risks that the Board may encounter in meeting its program or service delivery objectives.
- k. Negotiating a draft MOU with the Chair of the Board as directed by the Minister.
- l. Consulting with the Board's Chair, as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC directives, and Ministry policies.
- m. Meeting with the Chair as needed or as directed by the Minister.
- n. Arranging for administrative, financial and other support to the Board as set out in this MOU.

8.4 Senior Administrator and Registrar

The Senior Administrator and Registrar is responsible for

- a. Keeping the Chair informed on operational matters.
- b. Preparing the Board's annual business plan to be approved by the Chair prior to submission to the Minister.
- c. Preparing financial reports.
- d. Ensuring that annual audited financial statements are prepared for public release and posting on the Board's website after submission to the Minister and tabling in the Legislature.
- e. Coordinating the development of a performance measurement system for Board staff with the Ministry, and implementing the system.
- f. Keeping the Deputy Minister informed about operational matters.
- g. Assisting in the preparation of an annual report for the Board as directed by the Chair.
- h. Managing the day-to-day operations of the Board in accordance with TB/MBC and Ministry of Finance directives, accepted business and financial practices, and this MOU.
- i. Applying policies so that public funds are used with integrity and honesty and within the Board's budget.

- j. Establishing and applying a financial management framework for the Board.
- k. Establishing systems to ensure that the Board operates within its approved business plan.
- l. Ensuring that the Board has an appropriate risk management framework and mitigating strategy in place as directed by the Chair to help provide the proper level of assurance that program or service delivery objectives are met.
- m. Supporting the Chair in meeting his responsibilities.
- n. Carrying out in-year monitoring of the Board's operational performance and reporting on it to the Chair.
- o. Advising the Chair on compliance with TB/MBC and Ministry of Finance directives and Ministry policies and procedures.
- p. Seeking support and advice from the Ministry, as appropriate, on day-to-day management issues.
- q. Consulting with the Deputy Minister as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC and Ministry of Finance directives and Ministry policies.
- r. Cooperating with a periodic review directed by the Minister or TB/MBC.
- s. Establishing a system for the retention of formal Board documents and making such documents publicly available, as appropriate.

9. Reporting Requirements

9.1 Business Plan

- a. The Chair will ensure that the Minister is provided with the Board's annual business plans for approval within the timelines established by the Minister for this purpose.
- b. The Chair is responsible for ensuring that the Board's annual business plan fulfills the requirements of the AEAD.
- c. The Minister will review the Board's annual business plan and will promptly advise the Chair whether or not he/she concurs with the directions proposed by the Board. The Minister will advise the Chair where and in what manner the Board's plans vary from government or Ministry policy or priorities, and the Board will revise its plan accordingly.

- d. The Chair is responsible for ensuring that the Board's business plan includes a system of performance measures and reporting on the achievement of the objectives set out in the business plan. The system must include performance goals, how they will be achieved, and target time frames.
- e. In addition, the Chair of TB/MBC may require the Minister to submit the Board's business plan to TB/MBC for review at any time.

9.2 Annual Reports

The Chair is responsible for ensuring that the Board's annual report is submitted to the Minister for tabling in the Legislative Assembly. The Chair will submit the annual report to the Minister within 90 days of the Board's fiscal year end.

9.3 Other Reports

- a. The Chair is responsible for ensuring that the reports and documents set out in Appendix 1 to this MOU are submitted for review and approval to the Minister according to the prescribed time lines.
- b. At the request of the Minister or Deputy Minister, the Chair will supply specific data, and other information, that may be required from time-to-time for the purpose of Ministry administration.

10. Communications

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the Board is essential for the Minister to meet his or her responsibilities for reporting and responding to the Legislative Assembly on the affairs of the Board. The parties also recognize that it is essential for the Chair to be kept informed of the government initiatives and broad policy directions that may affect the Board's mandate and functions.

The parties, therefore, agree as follows:

- a. Communications shall not include discussion or the exchange of information between Board personnel and the Minister, Deputy Minister or Ministry staff about specific current, past, or future cases to be heard by the Board.
- b. Inquiries received by the Minister's office regarding a case in progress at the Board will be re-directed to the Board without comment. Any response made by the Minister's office to the inquiring party will indicate that the inquiry has been forwarded to the Board and that the Minister cannot interfere with an adjudicative proceeding.

- c. The Chair will keep the Minister advised, in a timely manner, of all planned events and issues that concern or can be reasonably expected to concern the Minister in the exercise of the Minister's responsibilities.
- d. The Minister will consult with the Chair, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the Board's mandate or functions.
- e. The Minister and the Chair will consult with each other on public communications strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions.
- f. The Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the Board's mandate.
- g. The Deputy Minister and the Chair will meet as required to discuss issues relating to the efficient operation of the Board and the provision of services by the Ministry to the Board.
- h. The Board and Ministry will adhere to the Public Communications Protocol set out in Appendix 3 to this MOU.

11. Administrative Arrangements

11.1 Applicable Treasury Board/Management Board of Cabinet and Ministry of Finance Directives

- a. The Chair is responsible for ensuring that the Board operates in accordance with all applicable TB/MBC and Ministry of Finance directives and Public Service Commission directives under the PSOA, as well as applicable Ministry financial and administrative policies and procedures. Appendix 2 to this MOU provides a statement of the applicable directives and policies.

11.2 Administrative and Organizational Support Services

- a. The Deputy Minister is responsible for providing the Board with the administrative and organizational support services listed in Appendix 4 to this MOU, and for negotiating with Ontario Shared Services concerning these services.
- b. Appendix 4 may be reviewed at any time at the request of either party.
- c. The Deputy Minister will ensure that the support or services provided to the Board are of the same quality as those provided to the Ministry's own divisions and branches.

11.3 Legal Services

- a. The Board requires legal services. These services are to be provided in accordance with the Ministry of the Attorney General's Corporate Operating Policy on Acquiring and Using Legal Services.

11.4 Freedom of Information and Protection of Privacy

- a. The Board is designated as an institution and the Chair of the Board is designated as the head of the institution in Regulation 460 of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31 for the purposes of that Act.

11.5 Records Management

- a. The Chair is responsible for ensuring that the Board complies with the TB/MBC Management of Recorded Information Directive.
- b. The Chair is responsible for ensuring that the Board complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, c.34, Schedule A.
- c. The Chair is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.

11.6 Client/Customer Service

- a. The Board will ensure that a formal process is maintained for responding to complaints about the quality of services received by clients of the Board consistent with the government's service quality standards.
- b. The Board's annual business plan will include performance measures and targets for client service and the Board's response to complaints.

12 Financial Arrangements

12.1 Funding

- a. The Board is funded from the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislative Assembly.
- b. The Chair will prepare estimates of the Board's expenditures for inclusion in the Ministry's Results Based Plan. The Chair will deliver these estimates to the Minister in sufficient time to be analyzed and approved by the Minister.
- c. The estimates provided by the Chair may, after appropriate consultation with the Chair, be altered as required.

- d. Financial procedures of the Board must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.
- e. Pursuant to section 28 of the *Financial Administration Act*, the Board shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities of the Government of Ontario without the written approval of the Minister of Finance. The Minister's approval is required before seeking the Minister of Finance's statutory approval.
- f. When ordered to do so by the Minister of Finance, pursuant to section 16.4 of the *Financial Administration Act*, the Board shall pay into the Consolidated Revenue Fund any money that the Minister of Finance determines is surplus to its requirements.

12.2 Financial Reports

- a. The Chair will provide to the Minister annual financial statements, and will include them as part of the Board's annual report.

12.3 Harmonized Sales Tax (HST)

- a. The Board is listed in Schedule A - Part II to the Reciprocal Tax Agreement between Ontario and Canada.

13. Audit and Review Arrangements

13.1 Audits

- a. Regardless of any annual external audit, the Minister may direct that the Board be audited.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so, by the Ministry's Audit Committee or by the Corporate Audit Committee. Also, the Auditor General of Ontario may, at any time, audit any aspect of the operations of the Board under the *Auditor General Act*.
- c. The Board will promptly provide a copy of every report from an audit to the Minister and the Minister of Finance. The Board will also provide a copy of its response to the audit report and any recommendations therein. The Board will advise the Minister annually on any outstanding audit recommendations.
- d. The Chair may request an external audit of the financial transactions or management controls of the Board at the Board's expense.

14. Staffing and Appointments

14.1 Staffing

- a. The Board is staffed by persons employed under the Part III of the *Public Service of Ontario Act, 2006*.
- b. The Board, in its dealings with staff employed under the *Public Service of Ontario Act, 2006*, is subject to TB/MBC human resources directives, and Public Service Commission directives under the PSOA.

14.2 Appointments

- a. The Chair is appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to ss. 672.38(1) and ss. 672.4(1) of the *Criminal Code (Canada)*.
- b. The members of the Board are appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to ss. 672.38 (1) and ss. 672.39 of the *Criminal Code (Canada)*.

15. Liability protection and insurance

- a. Pursuant to ss. 672.38(3) of the *Criminal Code (Canada)*, no member of the Board is personally liable for any act done in good faith in the exercise of the member's powers or the performance of the member's duties and functions or for any default or neglect in good faith in the exercise of those powers or the performance of those duties and functions.
- b. The Board is included in the Government of Ontario Commercial General Liability Protection Program.

16. Effective date and duration and periodic review of this MOU

16.1 Effective date of MOU

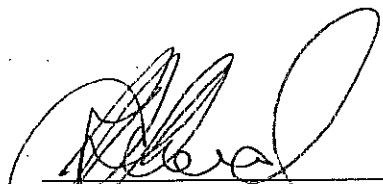
- a. This MOU is effective on the date it is signed by the parties.
- b. This MOU will continue in effect until June 30, 2015 unless it is replaced by a new MOU as a result of a significant change in the Board's mandate, governance structure or powers.
- c. In compliance with subsection 11(4) of the ATAGAA and the Agency Establishment and Accountability Directive, if a new Minister or Chair takes office before this MOU expires, a review of the MOU must occur within six (6) months of the change.

- d. Without affecting the effective date of this MOU, either the Minister or Chair may initiate a review of this MOU by written request of the other.
- e. A full review of this MOU will be conducted prior to its expiry or immediately in the event of a significant change to the Board' mandate, powers or governance structure as a result of an amendment to Part XX.1/Mental Disorder of the *Criminal Code (Canada)*.

16.2 Periodic Reviews

- a. The Board may be subject to a periodic review at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the Board that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the Board.
- b. The Minister will consult the Chair as appropriate during any such review.
- c. The Chair will co-operate in any review.

17. Signatures



The Hon. Mr. Justice Richard D. Schneider
Chair
Ontario Review Board

Sept 17 / 13
Date



The Hon. Deb Matthews
Minister of Health and
Long-Term Care

Sept. 4, 2013
Date

Appendix 1: Summary of Board Reporting Requirements (Optional)

DUE DATE	REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS
Fall	The Board will prepare estimates of the Board's expenditures for inclusion in the ministry's business plan.	Registrar, Senior Manager/Chair
Spring	Board Business Plan <ul style="list-style-type: none"> • Prepares • Approves • Provides to minister 	<ul style="list-style-type: none"> • Registrar, Senior Manager and Chair • Chair and Minister • Chair
June 30	Annual Report <ul style="list-style-type: none"> • Prepares • Approves • Provides to minister 	<ul style="list-style-type: none"> • Registrar, Senior Manager/Chair • Chair and Minister • Chair
As required	Auditing	Chair and Minister

Appendix 2: Applicable TB/MBC and Ministry of Finance Directives

The Board is subject to all applicable TB/MBC and Ministry of Finance Directives and all associated policies, procedures and guidelines. These documents may all be accessed through the intranet web site at <http://intra.ops.myops.gov.on.ca>.

All TB/MBC and Ministry of Finance directives, guidelines, and policies apply to the Board including but not limited to the following:

- Accountability Directive
- Advertising Content Directive
- Agency Establishment and Accountability Directive
- Delegation of Authority Key Directive
- Disclosure of Wrongdoing Directive
- Freedom of Information and Protection of Privacy Directive
- Government Appointees Directive
- Government Publications Directive
- Management of Recorded Information Directive
- Procurement Directive
- Travel, Meal and Hospitality Expenses Directive
- Visual Identity Directive
- All MBC and Public Service Commission Human Resource Directives
- All Information Technology Directives
- All Business Planning and Financial Management Directives

The Ministry will inform the Board of amendments or additions to directives, policies and guidelines that apply to the Board; however, the Board is responsible for complying with all directives, policies and guidelines to which it is subject.

Appendix 3: Communications Protocol

Purpose:

- I. To establish clear guidelines pertaining to communication between the Minister's Office and the Board.
- II. To set out a process for handling specific case/hearing related inquiries and requests pursuant for information pursuant to the *Freedom of Information and Protection of Privacy Act* (FIPPA) received by the Minister's Office and the Ministry.
- III. To set out a process for dealing with information requests from Ministry staff to the Board on legal, policy, administrative and other issues.
- IV. To set out the process for handling public communications/contentious issue inquiries.

The following procedures shall be adhered to with respect to communication between the Minister's Office, the Ministry, and the Board.

I. Communication between the Minister's Office, the Parliamentary Assistants' Offices, and the Ontario Review Board

- a) The staff of the Minister's office shall not contact the Board, including Board members or staff, to inquire about specific hearings or cases before the Board. This may include any inquires relating to the subject-matter of a specific case or the process by which a case before the Board is being handled.
- b) Information requests related to specific cases and received by the Parliamentary Assistant's Office will be forwarded to the Minister's Office and the Minister's Office will then refer such requests to the Agency Liaison and Public Appointments Unit. This Unit will communicate with the Board to determine an appropriate response to each request. Requests for information about specific cases will be handled in a manner that is consistent with the terms set out in this Protocol.

II. Process for handling specific case/hearing related inquiries

- a) Parties who contact the Minister's Office or the Ministry with an inquiry, issue, or complaint concerning a specific case or hearing before the Board will be referred by the Agency Liaison and Public Appointments Unit to the Senior Administrator and Registrar.
- b) Any party with a matter previously referred to the Board requesting to discuss a specific case/hearing with the Minister's Office or with Ministry staff, shall be referred to the Agency Liaison and Public Appointments Unit. The Unit

will ensure that an appropriate response is communicated to the party. The Ministry's response will advise the party of the independent nature of the Board's relationship with the Ministry and the Minister.

- c) Requests for information pursuant to the *Freedom of Information and Protection of Privacy Act* received by the Minister's Office or the Ministry will be referred to the Agency Liaison and Public Appointments Unit. The Unit will communicate with the Senior Administrator and Registrar who in turn will determine an appropriate response to each request in consultation with the Chair.
- d) The Ministry will ensure that all enquires referred by the Minister's Office are addressed in a manner that is consistent with the *Freedom of Information and Protection of Privacy Act* (FIPPA).
- e) The Board will ensure that all inquires referred by the Minister's Office via the Ministry are addressed in a manner which is consistent with the FIPPA

III. Process for dealing with information requests from Ministry staff to the Board

Ministry staff contact and communication with the Board shall be handled in a manner that is consistent with the terms and conditions agreed to under the *MOU*.

- a) *Legal Issues*: staff of the Legal Services Branch may contact the Board counsel where appropriate legal discourse is required between the Board and the Ministry.
- b) *Policy and Legislation*: staff of the Health Systems Strategy Division may have contact with the Board on matters pertaining to policy and legislation.
- c) *Administrative and other Issues*: Agency Liaison and Public Appointments Unit, as a designate of the Assistant Deputy Minister, Corporate Services Division, is the primary contact in the Ministry for the Board Chair and/or the Board's Senior Administrator and Registrar. The Agency Liaison and Public Appointments Unit is responsible for day-to-day liaison with the Board and the overall co-ordination of Ministry/Board issues including: issues management, briefing materials, reviewing performance measures and business plans, reviewing and tabling of annual reports, drafting and negotiating MOUs with the Board, liaising with central agencies, and monitoring Board compliance with the MGS policies, directives and guidelines applicable to classified agencies.

IV. Process for handling public communications/contentious issue inquiries

- a) "public communications" means any material in:
 - a. oral form, such as a speech or public presentation;
 - b. printed form, such as a hardcopy report or;
 - c. electronic form, such as a posting to a website

that is communicated to the public either directly or through the media.

- b) “contentious issue” is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly or is likely to result in inquiries being directed to the Minister or government.
- c) The Board will comply with the Management Board Visual Identity Directive and identify itself in all media responses and news releases as an Adjudicative Agency of the government of Ontario.
- d) With regards to media responses or news releases related to the day-to-day business of the Board that do not have direct implications for either the Ministry or the government:
 - a. The Board should communicate their media responses or news releases to the Ministry, who will circulate it to other individuals within the Ministry
- e) Contentious issues, media responses, and news releases that may have direct implications for either the Ministry or the government, or are likely to result in inquiries being directed to the Minister or government:
 - a. For all contentious issues, the Board will notify the Ministry lead (Manager, Agency Liaison and Public Appointments Unit) immediately upon becoming aware of the issue and will notify the Minister simultaneously. The Ministry may also advise the Agency of contentious issues that require attention. The Board will provide all required background information on the issue to the Ministry, who will prepare a Contentious Issues Note.

Appendix 4: Administrative or Organizational Support Services

The Deputy Minister is responsible for ensuring that the ministry program areas or the Ontario Shared Services, as appropriate provide the following administrative support services to the Board:

- a. Financial administration; pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services and records and form advisory services.
- b. Human resources services: classification; advice and consultation regarding recruitment procedures and staff relations; job description writing; career counseling and staff development; and advice and consultation regarding corporate initiatives such as occupational health and safety.
- c. Corporate educational opportunities and career planning services are available and open to Board staff and the Ministry must assist the Senior Administrator and Registrar in ensuring that these are communicated effectively to Board staff.
- d. Information technology and telecommunications services: advice, consultation, and support
- e. Internal audit: financial compliance, management, human resources and information systems audits; operational reviews and special investigations as required
- f. Accommodation: planning, including lease renewals
- g. Freedom of information program services
- h. Archives and Recordkeeping program services
- i. French language services translation and interpretation services
- j. Business planning
- k. Performance measurement and program evaluation