

ATTENDING AN ORAL HEARING BEFORE THE COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD (CCALAB)

An oral hearing of the appeal gives the participants an opportunity to present the evidence and submissions to the Board in person. A complete and well-prepared Statement of Points is an important step in a complete and well-prepared presentation at the oral hearing.

Hearings are open to the public and members of the public are welcome to attend, unless the Board determines that all or part of the hearing should be closed. Participation in the appeal, however, is restricted to the participants and any witnesses. A court reporter will usually attend to record the hearing and mark the documentary evidence received by the Board. The degree of formality of a hearing may vary depending on the composition of the panel hearing the appeal, the nature of the parties and the subject matter of the appeal. While the hearing process is not identical for all appeals, it will generally proceed as follows:

- If more than one Board member is hearing the appeal, one of them will be the presiding Board member who chairs the hearing. The chair of the panel is addressed as “Mister Chair” or “Madam Chair”. Surnames should be used when addressing or referring to the other panel members or parties.
- The presiding Board member will call the hearing to order, introduce the matter under appeal, and the Board members who are hearing the appeal, and deal with any preliminary matters such as time limits, breaks, questions etc. The presiding Board member will then invite the participants in attendance to introduce themselves for the record.
- The appellant and then the respondent may each make a brief oral statement about their case that outlines the issues and evidence they intend to focus on, any additional witnesses to be called, and the decision they will be requesting the Board to reach. This is optional and the participants may choose not to present an opening statement.
- The appellant and respondent, in turn, will present their evidence (including their own testimony and calling any additional witnesses). Witnesses may be asked to swear or affirm that the testimony they give will be true. Following the testimony of each witness, other participants may question the witness. This is sometimes followed by questions from the Board then, exceptionally, by more questions from the participants about new matters that have been raised. After any questions by the hearing panel, the person calling the witness will have the opportunity to ask any further ‘questions arising’.
- After the presentation of evidence, the appellant and respondent, in turn, will make their concluding submissions to the Board and again outline the decision they are asking the Board to make. Sometimes the Board may require or permit the participants to follow up with written submissions delivered after the close of the oral hearing.
- The presiding Board member will then close the hearing, the participants will leave the hearing room and the Board will convene alone to discuss the appeal and deliberate on its decision.
- The Board may issue its decision on the appeal orally at the close of the oral hearing. More frequently, the Board’s decision will be issued later in writing, as soon as practicable after the oral hearing.