

# Responding to Internal Complaints:

*Complaints Procedures and the Investigations that Follow*

Capacity Building for Residential Service Providers to Respond  
Effectively to Investigations Conducted by PACY

Second Consultation Meeting

Presented by: Lisa Corrente & Jennifer Foster



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## Overview of 2<sup>nd</sup> Consultation Meeting

- Overview and update on OARTY's Capacity Building Project
- Requirements for internal complaints policies and procedures
- Understanding the complaints review process
- Guiding principles for investigating internal complaints
- Introduction to PACY forms
- Questions and Survey



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## I. Overview and Update on OARTY's Capacity Building Project

## Overview and Update on OARTY's Capacity Building Project

- Province-wide project
- Available to all residential placements that accept child welfare clients regardless of purpose of placement
- Province-wide systemic approach to responding to PACY investigations and recommendations
- Support effective communication between PACY and residential service providers
- Support the efficient use of residential service providers' resources (human and financial)
- Improve outcomes for children, youth and families

## Project Update

- Attended initial meeting with PACY
- Held 1<sup>st</sup> consultation meeting
- Disseminated survey and contact with service providers
- Created a comprehensive Compliance Manual Index
- Received documentation/forms from PACY which form part of its investigative process
- Held 2<sup>nd</sup> consultation meeting
- Next steps:
- Drafting of Compliance Manual and development of templates
- Ongoing Survey dissemination and consultation with service providers
- Final consultation meeting
- Training
- Finalize Compliance Manual



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## Timelines

- Start date – March 2017
- 1<sup>st</sup> and 2<sup>nd</sup> Consultation Sessions – March and June 2017
- Draft Compliance Manual – July 2017
- Final Consultation Session – July 2017
- Training sessions begin (2) – August – December 2017
- Final Manual (English and French) – December 31, 2017



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## Purpose of the Compliance Manual

- To develop and build the capacity of residential service providers to follow a consistent, sector-wide approach to responding to investigations conducted by PACY
- The Manual will support effective communication between PACY and service providers, as well as efficient use of service providers resources (human and financial)
- It will enable service providers to learn from issues raised in the course of investigations, promote sector-wide service delivery improvements and, ultimately, improve outcomes for children, youth and their families

## Purpose of the Compliance Manual

- The intention of the Manual is also to:
  - recommend a comprehensive and systemic method of communicating an organization's internal complaint policy and procedures
  - provide guidance on how to thoroughly investigate internally and document complaints and resolutions in order to avoid a PACY investigation or be prepared to meet the requests of PACY during an external investigation
- The Auditor General Report from 2006-2016 has identified the need for a more comprehensive and systematic method of tracking client complaints as a method of identifying and addressing client trends of issues while in care. MCYS has been directed to comply with collecting data through the monitoring of complaint logs kept by mental health agencies.

## Compliance Manual Content

- Legislation governing residential service providers
- Residential care regulations and requirements
- Role of Office of the Provincial Advocate for Children and Youth (“PACY”)
- Overview of PACY Investigations
- Obligations of residential service providers during an investigation

## Forms and Templates

- Complaint forms (internal and external)
- Complaints policy and procedures
- Investigation policy and procedure
- Forms for completing internal investigations
  - Investigation plan
  - Introductory letters to parties
  - Checklist for witness interviews
  - Witness statements
  - Template investigative report
- PACY forms

## **SPECIAL CONSIDERATIONS FOR DIVERSE AND COMPLEX NEEDS GROUPS**

- Special Considerations for Children with Cognitive, Emotional and Physical Disabilities
- Special Considerations for Children Identifying as LGTB2SQ
- Special Considerations for Cultural, Racial and Religious Diversity
- Special Consideration for Language Needs
- Special Consideration for Children identifying as First Nations, Inuit, Innu, and Métis
- Special Considerations for Children who are considered Deaf/hearing impaired
- Special Considerations for Children from out of province

## **II. Requirements for Internal Complaints Policies and Procedures**

## Types of Complaints

1. Non-compliance with legislation
2. Complaints concerning organizational policy
3. Complaints concerning organizational practice

### Subcategories

Rights

Physical Environment

Self-esteem

Development

'Any expression of dissatisfaction about the quality, lack of, or refusal, of a service that the person complaining is entitled to use' (National Standards for Foster Care )

## Requirement for Written Complaints Procedure

- *Child & Family Services Act*, s. 109(1)
- A service provider who provides residential services to children or places children in residential placements shall establish a written procedure for hearing and dealing with complaints regarding alleged violations of the rights of children in care

## Requirement for Written Complaints Procedure

- O.Reg. 70, s. 73
- Every licensee shall maintain an up to date written statement of policies and procedures with respect to each residence operated by the licensee that sets out:
  - procedures governing the expression of concerns or complaints by residents

## Contents of Written Complaints Procedure

- O. Reg. 70, s. 41
- The written complaints procedure must set out:
  - the methods by which a child in care may express concerns with respect to alleged violations of rights
    - in the presence of other children or young persons and to a program staff person
    - in private to a program staff person, and
    - in private to the service provider or a person designated by the service provider
  - the method by which a parent or other person representing a child may express concerns with respect to alleged violations of the child's rights
    - in private to a program staff person, and
    - in private to the service provider



## Requirement to Conduct Review of Complaints

- *Child & Family Services Act*, s. 109(2)
- A service provider shall conduct a review and seek to resolve a complaint of:
  - a child in care;
  - the child's parent; or
  - another person representing the child

## Right to be Informed

- *Child & Family Services Act*, s. 108
- A child in care has a right to be informed, in a language suitable for the child's level of understanding, of,
  - the internal complaints procedure and the further review available

## Right to be Informed

- O. Reg. 70, s. 83
- Every licensee must ensure that, upon admission, the child or young person is informed of the procedures that exist for a resident to express concerns or complaints

## Ministry Licensing Manual

- Indicators
  - Written complaints procedure
  - Residence log must note complaints and that licensee has sought to resolve them
  - Review of sample resident files to see if use of complaints procedure has been documented
  - Resident's knowledge of complaints procedure must be reinforced at the first plan of care, and at least every 6 months thereafter
  - A sample of staff and residents is aware of the complaints procedure
  - Poster or notice explaining complaint procedure

## CARF Standards – Rights of Persons Served

- An organization implements a policy and written procedures by which persons served may formally complain to the organization
  - Definition of formal complaint
  - Complaint will not result in retaliation or barriers to service
  - How efforts will be made to resolve the complaint
  - Levels of review, which include availability of external review
  - Timeframes for prompt consideration and timely decisions
  - Procedures for written notification regarding actions to be taken to address complaint
  - Rights and responsibilities of each party
  - Availability of advocates or other assistance

## CARF Standards – Rights of Persons Served

- Organization makes the complaint procedure and any applicable forms:
  - Readily available to the persons served
  - Understandable to the persons served
- Organization documents formal complaints received
- Organization completes a written analysis of all formal complaints
  - Conducted at least annually
  - Determines trends and areas needing performance improvements
  - Actions to be taken to address the improvements needed
  - Actions taken or changes made to improve performance (CARF Manual, 2017)

### III. Understanding the Complaints Review Process

### Ministry Review of Complaints

- *Child & Family Services Act*, s. 110
- If a complainant is not satisfied with the result of the review conducted by the service provider, the complainant may request, in writing, that the Minister appoint a person to conduct a further review of the complaint
  - the Minister shall appoint a person who is not employed by the service provider

## Ministry Review of Complaints

- *Child & Family Services Act*, s. 110
- Person appointed must review the complaint and may do so by holding a hearing
- Within 30 days after the appointment, the person must:
  - complete the review
  - set out findings and recommendations in a report
  - include the reasons for not holding a hearing
  - provide copies of the report to:
    - complainant
    - service provider
    - Minister

## Ministry Review of Complaints

- *Child & Family Services Act*, s. 111
- Where the Minister decides to take any action with respect to a complaint after receiving a report, the Minister shall advise the complainant and service provider of the decision

## PACY Investigations

- PACY has the authority to investigate any matter that comes to its attention from any source that concerns a child (or group of children) and the services they receive from a residential licensee where a CAS is the placing agency

## PACY Investigations

- 1st Step – PACY requires complainants to use the internal complaints process
- 2<sup>nd</sup> Step – If the complainant is not satisfied with how the service provider handled the complaint, they may complain to the Ministry
- 3<sup>rd</sup> Step – If the problem is still not resolved, the complainant may request an investigation by PACY
- PACY will not conduct an investigation until after other investigations are completed (e.g. internal investigation, police, Ministry of Labour, coroner)

## Advocacy v. Investigations

- PACY has separate investigative and advocacy functions
- “Advocacy” means promoting the views and preferences of children and youth, including (but not limited to):
  - Promoting the rights of children in care
  - Informal dispute resolution between children/youths and agencies/service providers
  - Receive and respond to complaints
  - Conduct reviews and make reports (in response to a complaint or on own initiative)
  - Provide advice and make recommendations
  - Provide advocacy to children and youth during an investigation.
- “Advocacy” does not include conducting investigations or providing legal advice or legal representation

## Other External Processes

- Complaints to:
  - Office of the Children’s Lawyer
  - Ombudsman
  - Children’s Aid Society Internal Review Board
  - Child and Family Services Review Board
  - College of Social Workers and Social Service Workers – Members Code of Ethics
  - Ontario Association of Child and Youth Care – Members Code of Ethics
  - Ontario Association of Residences Treating Youth - Members

## IV. Guiding Principles for Investigating Internal Complaints

### A good complaint process will be:

**Fair** – The complainant and the person being complained about should have the opportunity to present their version of events, provide supporting information and respond to any potential negative decisions. The person investigating and/or making decisions should be impartial

**Confidential** – The information about a complaint is only provided to those people who need to know about it, in order for the complaint to be actioned properly

**Transparent** – The complaint process and the possible outcomes of the complaint should be clearly explained and those involved should be kept informed of the progress of the complaint and the reasons for any decisions

**Accessible** – The complaint process should be easy to access and understand, and everyone should be able to participate equally

**Efficient** – The complaint process should be conducted without undue delay. Information relevant to the complaint may deteriorate or be lost, which will impact on the fairness of the process. In addition, unresolved complaints can have a negative and ongoing impact on a workplace

**Safe** - Protect complainant from being victimized because they have made a complaint, protect from vexatious and malicious counter – complaints and ensure appropriate confidential records are kept about complaints and that this information is stored and managed appropriately



## Guiding Principles for Conducting Investigations

### #1 – Decision to Conduct an Investigation

- An investigation should occur when it is required by law, policy or standards
  - Infringement of communication rights (e.g. PACY)
  - Infringement of rights to care
  - Detaining or restraining a child
  - Abuse or neglect
  - Injury
  - Death
  - Anything giving rise to a serious occurrence report

## Guiding Principles for Conducting Investigations

### #2 – Select an Investigator

- Impartial and objective
  - Not involved in the incident
  - Not in chain of command
  - Role not to protect the service provider
- Possess the necessary skills and experience
- Have the time to complete a timely investigation
- Other considerations (e.g. severity of incident, media/public scrutiny, maintaining privilege)

## Guiding Principles for Conducting Investigations

### #3 – Scope of Investigation

- Service Provider and investigator should have a mutual understanding of the scope of the investigation
  - What are the allegations to be investigated?
    - Not too narrow

## Guiding Principles for Conducting Investigations

### #4 – Plan the Investigation

- Investigator plans for a timely and effective investigation
  - Review legislation and relevant policies
  - Review of documents (e.g. written complaint, resident files, logs, emails, personnel records, etc.)
  - Location – neutral, private, comfortable
  - Who to interview (start with complainant and then...)
  - Draft questions or subject areas
  - Initial communication with parties and witnesses
  - Experts needed?

## Guiding Principles for Conducting Investigations

### #5 – Witness Interviews

- Standard admonitions – purpose, role, expectations, reprisals policy
- Open-ended questions – who, what, where, when, how, why
  - Let witness tell the story!
- Personal knowledge and hearsay
  - Weigh hearsay appropriately
- Wrap up questions
  - Anything else I should be aware of?
  - Anyone else that I should speak to?

## Guiding Principles for Conducting Investigations

### #6 – Gather and Preserve Evidence

- Gather all relevant evidence
  - Hard copy documents (e.g. witness statements)
  - Physical evidence (e.g. photos, site visit)
  - Electronically stored information
    - Email/SMS/IM
    - Social media
    - Video surveillance
    - Log-in data

## Guiding Principles for Conducting Investigations

### #7 – Investigation Findings

- Assess and weigh the evidence
  - Reliability (e.g. personal knowledge or hearsay)
  - Credibility
    - Past history
    - Consistency of evidence
    - Motivation to lie
    - Plausibility
    - Corroboration
- Balance of probabilities (i.e. what is more likely than not to have occurred)

## Guiding Principles for Conducting Investigations

### #8 – Reports

- Introduction and scope
- Investigative background
  - Initial contact (e.g. date, summary of allegations, advisories)
  - Interim actions
  - Witnesses and dates of interviews
  - Documents
  - Laws and policies
  - Evidentiary standard
  - Timeline

## Guiding Principles for Conducting Investigations

### #8 – Reports

- Factual background
  - Service Provider
  - Parties
  - Prior claims
- Allegations
  - Complaint
  - Response
  - Witness statements
- Analysis and Findings
- Recommendations

## Guiding Principles for Conducting Investigations

### #8 – Reports

- Acknowledge both points of view
- Analysis supports reasoned conclusion
- Do not use “loaded” language
- Evidence needs to tip in favour of one party
- Do the hard work

## Guiding Principles for Conducting Investigations

### #9 – Communicate Outcome

- Provide report to service provider, head office
- Communicate results of investigation and any corrective action in writing to complainant and the accused in a timely manner after the completion of the investigation

## Guiding Principles for Conducting Investigations

### #10 – Implement Corrective Action

- Steps service provider has taken or will take to prevent a similar incident
  - Implementation of new policies
  - Training on new or existing policies
  - Sensitivity training or other courses
  - Discipline
  - Risk assessment and safety measures

## V. Introduction to PACY Forms

### Provincial Advocate for Children & Youth

FORM CA – EN  
INITIAL COMPLAINT CHILDREN'S SERVICES  
Page 1 of 4

Under s.109 of the Child and Family Services Act, residential service providers must establish a complaints process. The people entitled to use the complaints process include a child in care, the parent of a child in care, or a person representing a child in care.

This is an example of a complaint form we've created and you can use it to make your complaint. You don't have to use this form and can write up your complaint any way you want to. It is important to include all of the information that is suggested in this example.


#### General Information

##### A. YOUR COMPLAINT DETAILS

What is your complaint about? (Describe in detail)

- You may want to consider what someone did or said that caused you to make the complaint or what you think that person should have done or said.
- You may want to give details about when something happened, where something happened, and who was involved in the situation you are complaining about.

Attach more sheets if necessary.



**Ontario Association of  
Residences Treating Youth**  
09/06/2017  
Centre of Excellence for Residential Care in Ontario


**Provincial Advocate  
for Children & Youth**

FORM DA – EN  
INITIAL COMPLAINT CHILDREN'S RESIDENCE  
Page 2 of 4

**B. Please fill out this section if you are a young person**

Last Name	First Name	Middle Name
Date of Birth (yyyy/mm/dd)	Band of Native Community (if applicable)	
Address (Number and Street)		Suite/Unit/Apt.
City/Town	Province	Postal Code
Telephone Number	Cellular Telephone Number	
Email		

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FORM DA – EN  
INITIAL COMPLAINT CHILDREN'S RESIDENCE  
Page 3 of 4

**C. IF YOU ARE THE PARENT OF A YOUNG PERSON PLACED IN A RESIDENCE PLEASE USE THIS SECTION**

Last Name	First Name	Middle Name
Address (Number and Street)		Suite/Unit/Apt.
City/Town	Province	Postal Code
Telephone Number (Day)	Telephone Number (Evening)	Cellular Telephone Number
Email		

**Information about the Child (if applicable):**

Child's First Name	Child's Middle Name	Child's Last Name
Child's Date of Birth (yyyy/mm/dd)	Child's Band of Native Community (if applicable)	
Child's Address (Number and Street)		Suite/Unit/Apt.
City/Town	Province	Postal Code
Telephone Number	Cellular Telephone Number	
Email		

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**Provincial Advocate  
for Children & Youth**

**D. What Children's Residence is your complaint about?**

Residence Name \_\_\_\_\_

Residence Address \_\_\_\_\_

Residence Telephone Number \_\_\_\_\_ Parent Company (if applicable) \_\_\_\_\_

**E. Which Children's Aid Society is involved (if applicable)?**

Children's Aid Society Name \_\_\_\_\_


Children's Aid Society Address \_\_\_\_\_

Children's Aid Society Telephone Number \_\_\_\_\_ Name of Worker \_\_\_\_\_

Name (Please Print) \_\_\_\_\_

Signature \_\_\_\_\_ Date (yyyy/mm/dd) \_\_\_\_\_

FORM 2A – EN  
INITIAL COMPLAINT CHILDREN'S RESIDENCE  
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**Provincial Advocate  
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**COMPLAINT TO MINISTRY OF CHILDREN AND YOUTH SERVICES – Children's Residence**

Under s 110 of the *Child and Family Services Act*, if a person makes a complaint about a children's residence using the internal complaints process and is not satisfied with the result, they may request in writing that the Minister of Children and Youth Services conduct a further review of the complaint. This complaint form is an example we've created. You can use it to make your request to the Minister. You don't have to use this form and can write up your complaint any way you want to. It is important to include all of the information that is suggested in this example. The people who can request a review using this process are the young person, the parent of a young person, or anyone else representing the young person.


**A. YOUR COMPLAINT DETAILS**

What is your complaint about? (Describe your complaint in as much detail as possible)

- You may want to consider what someone did or said that caused you to make the complaint or what you think that person should have done or said.
- You may want to give details about when something happened, where something happened and who was involved in the situation that you are complaining about.

Attach more sheets if necessary.


FORM 2B – EN  
COMPLAINT TO MINISTRY OF CHILDREN AND YOUTH SERVICES – CHILDREN'S RESIDENCE  
Page 1 of 3



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**FORM 38 – EN**  
 COMPLAINT TO MINISTRY OF CHILDREN AND  
 YOUTH SERVICES – CHILDREN'S RESIDENCE  
 Page 2 of 3

**B. YOUR CONTACT INFORMATION**

Last Name	First Name	Middle Name
Address (Number and Street)		Suite/Unit/Apt.
City/Town	Province	Postal Code
Telephone Number (Day)	Telephone Number (Evening)	Cellular Telephone Number
Email		

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**FORM 38 – EN**  
 COMPLAINT TO MINISTRY OF CHILDREN AND  
 YOUTH SERVICES – CHILDREN'S RESIDENCE  
 Page 3 of 3

**D. What Children's Residence is your complaint about?**

Residence Name \_\_\_\_\_

Residence Address \_\_\_\_\_

Residence Telephone Number \_\_\_\_\_ Parent Company (if applicable) \_\_\_\_\_

**E. Which Children's Aid Society is involved (if applicable)?**

Children's Aid Society Name \_\_\_\_\_

Children's Aid Society Address \_\_\_\_\_

Children's Aid Society Telephone Number \_\_\_\_\_ Name of Worker \_\_\_\_\_

Name (Please Print) \_\_\_\_\_

Signature \_\_\_\_\_

Date (yyyy/mm/dd) \_\_\_\_\_

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**Provincial Advocate  
for Children & Youth**

**REQUEST FOR INVESTIGATION – CHILDREN'S RESIDENCE**

The Provincial Advocate for Children and Youth has the authority to investigate any matter that comes to his or her attention from any source that concerns a child or group of children and the services they receive from a residential licensee where a children's aid society is the placing agency.

**General Information**

☐ This is a request for an investigation about something that involves me and I am a young person

☐ This is a request for an investigation and I am the parent of a young person placed in a children's residence by a children's aid society

☐ This is an request for an investigation and I am a person with information about a children's residence that accepts placements from a children's aid society


**A. DETAILS OF WHAT YOU WANT THE PROVINCIAL ADVOCATE TO INVESTIGATE**

What is your complaint about? (Describe your complaint in as much detail as possible)

- You may want to consider what someone did or said that caused you to make the complaint or what you think that person should have done or said;
- You may want to give details about when something happened, where something happened and who was involved in the situation that you are complaining about.

Attach more sheets if necessary.

FORM 30 – EN  
REQUEST FOR INVESTIGATION  
CHILDREN'S RESIDENCE  
Page 1 of 3



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**Provincial Advocate  
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**REQUEST FOR INVESTIGATION – CHILDREN'S RESIDENCE**

**B. Please fill out this section if you are a young person**

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Name \_\_\_\_\_

Date of Birth (yyyy/mm/dd) \_\_\_\_\_ Band of Native Community (if applicable) \_\_\_\_\_


Address (Number and Street) \_\_\_\_\_ Suite/Unit/Apt. \_\_\_\_\_

City/Town \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Telephone Number \_\_\_\_\_ Cellular Telephone Number \_\_\_\_\_ Email \_\_\_\_\_


Social Media Contact Info \_\_\_\_\_

FORM 30 – EN  
REQUEST FOR INVESTIGATION  
CHILDREN'S RESIDENCE  
Page 2 of 3



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**Provincial Advocate  
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**FORM 20 – EN**  
 REQUEST FOR INVESTIGATION  
 CHILDREN'S RESIDENCE  
 Page 3 of 5


**C. IF YOU ARE ANYONE OTHER THAN A YOUNG PERSON RECEIVING SERVICES FROM A CHILDREN'S AID SOCIETY PLEASE FILL OUT THIS SECTION**

Last Name	First Name	Middle Name
Address (Number and Street)		Suite/Unit/Apt.
City/Town	Province	Postal Code
Telephone Number (Day)	Telephone Number (Evening)	Cellular Telephone Number
Email / Social Media Contact Information		

**Information about the Child:**

Child's First Name	Child's Middle Name	Child's Last Name
Child's Date of Birth (yyyy/mm/dd)	Child's Band of Native Community (if applicable)	
Child's Address (Number and Street)		Suite/Unit/Apt.
City/Town	Province	Postal Code
Telephone Number	Cellular Telephone Number	Email
Social Media Contact Info		

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**FORM 20 – EN**  
 REQUEST FOR INVESTIGATION  
 CHILDREN'S RESIDENCE  
 Page 4 of 5

**D. What Children's Residence is your complaint about?**

Residence Name

Residence Address

Residence Telephone Number
Parent Company (if applicable)

**E. Which Children's Aid Society placed you in this residence?**

Children's Aid Society Name

Children's Aid Society Address

Children's Aid Society Telephone Number
Name of Worker

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FORM 20 – EN  
REQUEST FOR INVESTIGATION  
CHILDREN'S RESIDENCE  
Page 1 of 2

**Provincial Advocate  
for Children & Youth**

F. Have you made a complaint about this situation to the children's residence in question?  
☐ Yes ☐ No

G. What was the result of your complaint to the children's residence?  
 \_\_\_\_\_

H. Have you made a complaint about this situation to the Ministry of Children and Youth Services?  
☐ Yes ☐ No


I. What was the result of your complaint to the Ministry of Children and Youth Services?  
 \_\_\_\_\_

J. Do you have a suggestion about how your concern could be resolved?  
 \_\_\_\_\_

Name (Please Print) \_\_\_\_\_

Signature \_\_\_\_\_ Date (yyyy/mm/dd) \_\_\_\_\_

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Legislative  
Assembly  
of Ontario

Assemblée  
législativ  
de l'Ontario

Office of the Provincial Advocate  
for Children and Youth

Bureau de l'intervenant provincial  
en faveur des enfants et des jeunes

May 31, 2017

M. Rebecca ARCHIEF  
Executive Director

Dear Ms. ARCHIEF,

**SENT ELECTRONICALLY**

Re: Our file number 2017-XX

In accordance with 6.17 (1) (4) of the *Provincial Advocate for Children and Youth Act, 2002*, I am writing to advise you of the intention of the Provincial Advocate to conduct an investigation pursuant to s 15 (2) of the Act.

The Advocate expects that the scope of the investigation will include XXXXXX.

Investigators from the Investigative Unit will contact you shortly to obtain information and documents. We look forward to working in close consultation with you and your staff and would be happy to arrange an introductory briefing on the investigation at your convenience.

The Lead Investigator for this matter is XXXXXX and she can be reached at XXXXXXXX.

Thank you for your anticipated co-operation in this matter.

Yours Truly,

  
 Diana Cooke,  
 Director of Investigation


INVESTIGATIVE UNIT

401 Bay Street, Suite 2015, P.O. Box 1, Toronto, Ontario M7A 6M6 Tel: (416) 327-3447 FAX: (416) 327-3448 Toll Free: 1-800-362-3841 TTY: (416) 327-3448  
 401, rue Bay, Suite 2015, Boite postale 1, Toronto, Ontario M7A 6M6 Tel: (416) 327-3447 FAX: (416) 327-3448 Sans frais: 1-800-362-3841 TTY: (416) 327-3448

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Legislative Assembly of Ontario / Assemblée législative de l'Ontario

*Office of the Provincial Advocate for Children and Youth* / *Bureau de l'intervenant provincial en faveur des enfants et des jeunes*

June 5, 2017

Ms. Rebecca ABCDEF  
Executive Director

SENT ELECTRONICALLY

Dear Ms. ABCDEF,

**Document Request #1**  
**Re: Our file number 2017-XX**

Further to the Provincial Advocate's letter of notice dated May 31, 2017 indicating his intention to conduct an investigation into XXXX, I write to provide you with the initial list of information the Investigative Units seek to obtain from your agency.


We have identified documentation deemed relevant to the investigation, and hereby request non-redacted versions of the following, either via courier or in electronic format. The document request letter is attached as "Appendix A".

I would appreciate this information by June 23, 2017 at 4:30pm. This information can be sent electronically. Alternatively, our office will be happy to arrange courier services at your request.

Our request is made pursuant to subsection 16.1 (4) of the *Provincial Advocate for Children and Youth Act, 2007* which compels the furnishing of information and production of documents that, in the opinion of the Advocate, relate to any matter being investigated by the Advocate, and subsection 16.1 (3) which provides that such information and documents must be furnished and produced, respectively, when requested.

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BY FAX (905) 235-3800  
401 Bay Street, Suite 3010, Toronto, Ontario M5H 2B4 Tel: (416) 325-5467 FAX: (416) 325-5461 TDD: (416) 325-3608  
401, rue Bay, Suite 3010, Toronto, Ontario M5H 2B4 Tel: (416) 325-5467 FAX: (416) 325-5461 TDD: (416) 325-3608



**Ontario Association of Residences Treating Youth**

09/06/2017  
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Section 16.1(4) and Section 16.1(5) of our governing legislation provide as follows:

**Compelling information or documents**

(4) In carrying out his or her investigative function, the Advocate may require any officer, employee or member of any person or entity listed in subsection (3) or any other person or entity who, in the Advocate's opinion, is able to give information relating to any matter that is being investigated by the Advocate,

(a) to furnish the information; and

(b) to produce any documents or things which, in the Advocate's opinion, relate to the matter and which may be in the possession or under the control of the person or entity, 2014, c. 13, Sched. 10, s. 8.

**Same, duty to furnish**

(3) A person or entity referred to in subsection (4) shall furnish the information and produce the document or things to the Advocate when requested to do so: 2014, c. 13, Sched. 10, s. 8.

Also, Section 16.1(6) of our governing legislation allows us to serve a formal summons which will require document production and attendance at our office to be examined under oath. **In our phone conversation on June 1, 2017, you confirmed that you require a summons. This is attached to this letter.**


**In the event the documents are not received by June 23, 2017 at 4:30pm, a summons that will require your attendance at our office on June 28, 2017 at 10:00am will be served on you pursuant to section 16.1(6) of the Act. Provided we receive the documents by June 23, 2017 we will notify you that this summons is no longer required.**

It may become necessary to forward a further document request prior to the completion of our investigation. I anticipate your initial response with any subsequent requests and ask that you please ensure that all documentation, including but not limited to notes, records, reports, recordings, emails and text messages, are reviewed and kept secure by you until the completion of our investigation.


I wish to thank you and your colleagues for your co-operation, and look forward to continued communication and consultation throughout this investigation. Please feel free to contact me at 1-800-971-9711 if you have any questions.

The lead investigator XXXX may also be reached at XXXX.

Yours Truly,



Diana Cooke,  
Director of Investigations



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**APPENDIX A**  
**DOCUMENT REQUEST #1 – June 5, 2017**  
**Provincial Advocate for Children and Youth**

1. A copy of any and all documents pertaining to XXXXX
2. A copy of all correspondence and communication between XXXXX involving XXXXX
3. A copy of any and all occurrence reports, incident reports, log notes and supplementary occurrence reports received or prepared by XXXXXXXXXX

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 **Ontario Association of Residences Treating Youth**  
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**Provincial Advocate  
for Children & Youth**  
**L'intervenant provincial  
en faveur des enfants & des jeunes**  
**SUMMONS**

TO: Rebecca ABCDEFGH  
Name  
123 Sesame Street, Toronto ON M1B 2C3  
Address

RE: Provincial Advocate for Children and Youth Investigation pursuant to subsection 15(2) of the *Provincial Advocate for Children and Youth Act*, 2007, S.O. 2007, c. 9, as amended (the "Act").

YOU ARE SUMMONED pursuant to subsection 16.1(6) of the Act to attend for an examination on oath or affirmation before an investigator in this proceeding, to give information relating to the Provincial Advocate's investigation on:

Whether Oscar the Grouch is really of the species "grosch"

2017-06-14 at 10:00  
Date (yyy-mm-dd) Time  
Office of the Provincial Advocate for Children and Youth


at 401 Bay Street Suite 2010, Toronto M7A 0A6  
Place

YOU ARE REQUIRED TO BRING WITH YOU and produce at the proceeding the following documents and things, and to remain until your attendance is no longer required:  
All documents identified in Document Request #1 dated May 10, 2017

ATTENDANCE MONEY for 1 day(s) of attendance is served with this summons, calculated in accordance with the Tariff A of the Rules of Civil Procedure, as follows:

1. Attendance allowance for each day of necessary attendance	\$50.00
2. Travel allowance, where the hearing or examination is held, (a) in a city or town in which the witness resides, \$3.00 for each day of necessary attendance; (b) within 300 kilometres of where the witness resides, 24¢ a kilometre each way between his or her residence and the place of hearing or examination; (c) more than 300 kilometres from where the witness resides, the minimum return air fare plus 24¢ a kilometre each way from his or her residence to the airport and from the airport to the place of hearing or examination.	

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 **Ontario Association of Residences Treating Youth**  
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3. Overnight accommodation and meal allowance, where the witness resides elsewhere than the place of hearing or examination and is required to remain overnight, for each overnight stay.	\$75.00
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If further attendance is required, you will be entitled to additional attendance money.

IF YOU FAIL TO ATTEND or to remain in attendance as required, or fail to produce the documents of things at the time and place specified, then pursuant to section 21.2 of the Act you may be prosecuted under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended and if found guilty of an offence, you may be liable to a fine of not more than \$1,000.00.

Section 21.2 of the Act provides as follows:

**Offences**

21.2 (1) Every person commits an offence who without lawful justification or excuse,

(a) willfully obstructs, hinders or resists the Advocate or any other person in the performance of his or her functions under this Act;

(b) refuses or willfully fails to comply with any lawful requirement of the Advocate or any other person under this Act; or

(c) willfully makes any false statement or misleads or attempts to mislead the Advocate or any other person in the exercise of his or her functions under this Act.

**Penalties**

(2) Every person who commits an offence is liable on conviction to a fine of not more than \$1,000. 2014, c. 13, Sched. 10, s. 12.

Signature by or on behalf of the Provincial Advocate for Children and Youth  
 Dated at the City of Toronto, this 15 day of May, 2017.

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**Provincial Advocate for Children & Youth**      **L'intervenant provincial en faveur des enfants & des jeunes**

**CONFIDENTIALITY UNDERTAKING**  
 REPRESENTATIVE, ADVISOR OR SUPPORT PERSON OF THE INTERVIEWEE

I, \_\_\_\_\_  
 (Please print full name of the representative, advisor or support person)

Street address \_\_\_\_\_  
 City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

**confirm that:**

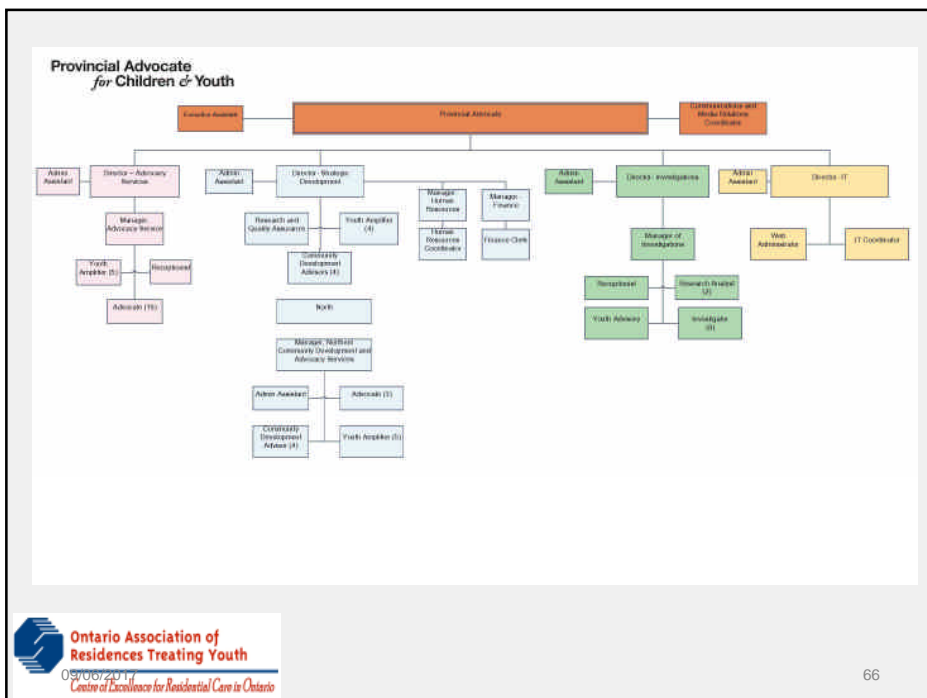
- I understand that this is an interview of \_\_\_\_\_  
 (the Interviewee) conducted by the Provincial Advocate for Children and Youth (the Advocate) in the course of an investigation under the *Provincial Advocate for Children and Youth Act, 2007* (the Investigation).
- I am a representative, advisor, or support person of the Interviewee. I wish to attend this interview and do so with the consent of the Interviewee.
- I understand that the Investigation is ongoing and that the interview that I wish to attend may relate to or involve highly personal information that must remain confidential.

**I accordingly undertake the following confidentiality obligations:**

- The information discussed during, connected with, or arising from the interview in any way (Confidential Information) is to be kept strictly confidential.
- Subject to paragraph 6, I will not disclose any Confidential Information to any person, including any person who may be interviewed as part of the Investigation without the written consent of the Advocate until the Advocate gives notice that the Investigation is complete.
- This undertaking does not prevent me from disclosing Confidential Information to the administrative head or management of the institution affected by the Investigation, provided that:
  - the disclosure will not directly or indirectly interfere with the Investigation; and
  - any person receiving the Confidential Information undertakes not to make the information public, to disclose the information to any person who may be interviewed as part of the Investigation, or to otherwise do anything with the Confidential Information that may interfere with the Investigation.

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## VI. Questions & Survey

- PLEASE COMPLETE!



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### Lisa Corrente

Partner, Employment & Labour Group/Health Law Group, Torkin Manes LLP

Phone: 416 643 8800

Email: [lcorrente@torkinmanes.com](mailto:lcorrente@torkinmanes.com)



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