

# Responding to Complaints and PACY Investigations:

*Capacity Building for Residential Service Providers*

*Training Session - Ottawa*

December 8, 2017

Presented by: Lisa Corrente & Jennifer Foster



**Ontario Association of  
Residences Treating Youth**

*Centre of Excellence for Residential Care in Ontario*

# Agenda

|                |   |
|----------------|---|
|                |   |
| 9:30 to 9:40   | Project update  |
| 9:40 to 10:15  | Review of the <i>Provincial Advocate for Children &amp; Youth Act</i> |
| 10:15 to 10:45 | Overview of the Compliance Manual                                     |
| 10:45 to 11:00 | Review of sample complaint  |
| 11:00 to 12:00 | Dealing with complaints workshop                                      |
| 12:00 to 12:30 | Lunch break   |
| 12:30 to 2:00  | Conducting investigations workshop                                    |
| 2:00 to 3:30   | Responding to a PACY investigation workshop                           |
| 3:30 to 4:00   | Q & A   |



# Project Update

## What did we set out to do?

- Educate and prepare RSPs for possible external investigations completed by PACY
- Create a standardized process and tool to complete thorough internal complaint reviews/investigations
- Create a method and templates to analyze internal complaint trends and how to work toward improving services to children and families
- Provide tools for RSPs to assist with examining internal anti-oppression and diversity practices



# Project Update

## What we have accomplished?

- Completion of the draft Compliance Manual to provide guidance on responding to internal and external complaint investigation processes
- The Compliance Manual can be utilized for the training of staff and foster parents on agency policies and procedures regarding the handling of complaints
- Comprehensive policy and procedure templates that can be adapted and included as part of the RSP's own policy and procedures
- Template forms to be used by RSPs to inform clients and families of legislative rights and standards specific to complaints
- Template forms to assist in conducting investigations internally
- Template forms to assist in tracking and analyzing complaints in order to improve services and outcomes
- Comprehensive summary of the PACY investigation process and how to effectively respond to it



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# Project Update

## How have we accomplished our goals?

- Research of legislation, regulations, standards and best practice processes informing complaints and investigations
- Three consultation sessions with RSPs
- On-line survey
- Consultation with PACY
- Review of agency policies specific to complaint handling
- Agency review of proposed Compliance Manual forms, templates and policies
- Consultation with RSPs regarding diversity needs



# Project Update

## What's next?

- Currently, the draft Compliance Manual is being reviewed by MCYS and PACY
- Final revisions to Compliance Manual
- Translation of Compliance Manual into French
- Publication and dissemination of the Compliance Manual to RSPs in Ontario – hard copy and on-line



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# Review of the PACY Act



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# The PACY Act

- Creates the Office of the Provincial Advocate for Children & Youth (“PACY”)
  - Independent office of the Legislature
  - As of March 1, 2016, PACY has the authority to conduct investigations into complaints concerning children or youths receiving or accessing services from:
    - CAS; or
    - Residential licensee where a CAS is the placing agency



# PACY's Mandate Areas

- **Child Welfare** – only area in which PACY has the authority to investigate complaints
- No authority to investigate:
  - First Nations
  - Children's Mental Health
  - Youth Justice
  - Special Needs



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# The Investigative Unit



# Director of Investigations

- Oversees and manages investigative functions
- Must be a person with significant experience in investigations and child protection
- Currently Diana Cooke



# Investigative Team

- Investigative team:
  - Conducts investigations; and
  - Provides advice and guidance to the Advocate with respect to investigations
- Must consist of individuals with significant experience in investigations and child protection
  - May include significant experience in other areas relevant to investigations (e.g. pediatric health services, children's mental health or child development services)
- There are 10 members of the Investigative Team – 8 investigators and 2 research analysts (child protection, lawyer, retired police officers, investigative journalist)



# Advocacy v. Investigations

- PACY has separate investigative and advocacy functions
- “Advocacy”:
  - includes providing advocacy to children and youth during an investigation
  - does not include conducting investigations or providing legal advice or legal representation
- Director of Investigations and Investigative Team cannot concurrently conduct investigations and provide advocacy



# Investigative Function

- PACY has the function of investigating **any matter** that comes to its attention from **any source** or on its **own initiative** concerning a child or group of children, including a systemic investigation, with respect to:
  - A CAS service; or
  - A service provided by a residential licensee where a CAS is the placing agency.
- Questions regarding PACY's jurisdiction to investigate can be determined by the Divisional Court



# Matters Excluded from Investigation

1. Child deaths that fall within the jurisdiction of the Office of the Chief Coroner or of any committees that report to the Office of Chief Coroner
2. Matters that are eligible for review by or have been decided by the CFSRB
3. Matters that are the subject of licensing inspections or Crown ward reviews under the *Child and Family Services Act* or the subject of inspections or reviews by the Ministry, where the investigation by PACY would, in the opinion of the Director, interfere with the inspection or review



# Matters Excluded from Investigation

4. Matters that are eligible for resolution by a complaints or review process under the PACY Act or the CFSA, other than the reviews referred to in paragraphs 2 and 3, until after the complaints or review process is completed
5. Matters where another investigative authority is conducting an investigation, until after that investigation is completed (e.g. police, Ministry of Labour)
6. Matters where there is, under any Act, a right of appeal or objection or a right to apply for a hearing or review on the merits of the matter to any court or tribunal,
  - Until the right of appeal or objection or application has been exercised in the matter, or
  - Until after any time for the exercise of the right has expired



# Systemic Investigations

- PACY may conduct systemic investigations into:
  - Child deaths within jurisdiction of Coroner's Office
  - Matters that are eligible for review or decided by CFSRB
- Primary investigation must be completed
- Systemic investigation may lead to recommendations relevant to children in similar circumstances



# Power Not to Investigate

- PACY has the discretion not to investigate (or further investigate) any matter if of the opinion that:
  - The law or existing administrative practice provides an adequate remedy, whether or not the person raising the matter has availed itself of it
  - The person who raised the matter does not have a sufficient personal interest in the matter raised
  - The matter is trivial, frivolous, vexatious or not raised in good faith
  - A child who is the subject of or affected by the matter does not want the matter pursued



# Notice of Investigation

- Where PACY intends to undertake an investigation, notice must be given to the residential licensee
- PACY must advise the Director under the *CFSA* of the matter, whether or not it intends to conduct an investigation



# Investigative Powers

- PACY may hear or obtain information, or make inquiries, from such persons as it thinks may be relevant to the investigation
- In carrying out its investigative function, PACY may:
  - Summon and enforce the attendance of witnesses
  - Compel testimony under oath
  - Compel witnesses to produce records or things



# Investigative Powers

- PACY may require any officer, employee or member of a CAS or residential licensee, or any other person or entity who, in the its opinion, is able to give information relating to any matter that is being investigated:
  - To furnish the information
  - To produce any documents or things which, in its opinion, relate to the matter and which may be in the possession or under the control of the person or entity
- Obligation to cooperate with the investigation



# Limits on Investigative Powers

- No person legally bound to maintain secrecy or not to disclose a matter is required to supply information or documents to PACY in relation to that matter if the person would be in breach of their obligation of secrecy or non-disclosure
  - Exemption for personal information under FIPPA, MFIPPA and PHIPA
- Same privileges as witnesses in court (e.g. solicitor-client privilege)
- No statement or answer given during an investigation is admissible in evidence against that person in a proceeding, including a criminal trial (except perjury)



# Opportunity to Make Representations

- If, at any time during the course of an investigation, it appears to PACY that there may be sufficient grounds, it may make a report or recommendation
- PACY must provide an opportunity to make representations respecting an adverse report or recommendation, either personally or by counsel, to:
  - The Minister
  - A CAS
  - A residential licensee
  - Any other person or entity



# Consultation

- PACY may, at any time during or after an investigation, consult:
  - Minister
  - Administrative head of a CAS or residential licensee
  - Other person or entity who is concerned in the matter of the investigation
- Advocate must consult with the above entities on their request or if making a recommendation
  - Consultation must occur after the investigation but before forming a final opinion



# Referral to the Authorities

- If, during or after an investigation, PACY is of the opinion that there is evidence of a breach of duty or of misconduct on the part of any officer or employee, it may refer the matter to the appropriate authority
  - Ministry
  - CAS
  - Residential licensee
  - Other entity



# Public Reports

- If PACY conducts an investigation, it shall, after completing the investigation, make a report:
  - outlining the reasons for undertaking the investigation;
  - containing recommendations for the Minister, a CAS or residential licensee or any other person or entity as it considers appropriate; and
  - addressing any other matters it considers appropriate



# Public Reports

- PACY must provide a copy of the report to the Minister, CAS, the residential licensee or any person or entity as it considers appropriate, that is directly or indirectly a subject of the investigation
- Investigative report is a public report
- PACY must make copies of the report available to the public at a time and in a form and manner that it considers appropriate
  - Redact names of child and staff



# Follow-up on Recommendations

- PACY may request that the Minister, a CAS, residential licensee or any other person or entity to whom a recommendation is directed notify it of the steps, if any, that the person or entity proposes to give effect to the recommendation
- If within a reasonable time after the report is made no action is taken which, in PACY's opinion, is adequate or appropriate, it may, after considering any comments made by or on behalf of the Minister, a CAS, residential licensee or any other person or entity affected:
  - send a copy of the report and recommendations to the Premier; and
  - after sending a copy of the report to the Premier, make such report to the Legislative Assembly on the matter as he or she thinks fit
- Advocate must attach any comments to the report



# Obligations of Residential Licensees

- Must inform a child in care, in a language suitable to his or her understanding, of PACY's:
  - Existence
  - Role
  - How may be contacted
- Must afford child or youth who wishes to contact PACY with the means to do privately and without delay
- Must provide PACY with private access to children in care who wish to meet with PACY, without unreasonable delay



# Obligations of Residential Licensees

- Must inform PACY, in writing and without unreasonable delay, after it becomes aware of the death or serious bodily harm incurred by a child or youth
- Must do so where the child or youth, or their family, has sought or received a CAS service within 12 months of the death or occurrence of harm
- Information must include a summary of the circumstances surrounding the death or serious bodily harm
  - Online reporting tool on PACY's website
- Still have a duty to report under s.72 of the *CFSA*
- Must also inform the child and/or the child's parents about PACY and its contact information



# Offences

- Every person commits an offence who without lawful justification or excuse:
  - wilfully obstructs, hinders or resists PACY or any other person in the performance of his or her functions under the Act;
  - refuses or wilfully fails to comply with any lawful requirement of PACY or any other person under the Act; or
  - wilfully makes any false statement or misleads or attempts to mislead PACY or any other person in the exercise of his or her functions under the Act
- Every person who commits an offence is liable on conviction to a fine of not more than \$1,000



# Overview of the Compliance Manual



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# The Compliance Manual

|   |   |
|---|---|
|   |   |
| Part I  | Dealing with Complaints in Residential Care                     |
| Part II   | Guiding Practices for Conducting Investigations into Complaints |
| Part III  | An Overview of PACY and its Investigative Process               |
| Part IV   | Special Considerations for Diverse and Complex Needs Groups     |
| Part V  | Forms and Templates   |
| Appendices  | A to D  |
|  | Practical tips  |



# Part I – Dealing with Complaints in Residential Care

- Outlines information regarding legal obligations to hear and deal with complaints regarding the rights of children in care
  - Requirements for written complaint procedures
    - ★ Elements of a written complaint procedure
  - Children's right to be informed
    - ★ Indicators of an accessible complaint procedure
  - Reviews of complaints
    - RSPs
      - ★ I received a complaint from a child...
    - Minister (CFSA)
  - Analysis of complaints



# Part II – Guiding Practices for Conducting Investigations

- Offers guiding practices to follow when conducting internal reviews or investigations into complaints
  - Deciding to conduct an investigation (informal v. formal)
    - ★ A formal investigation is likely necessary when...
  - Selecting the investigator (internal v. external)
    - ★ Consider hiring an external investigator when...
  - Determining the scope of the investigation
  - Planning the investigation
    - ★ When preparing for a formal investigation, the investigator should...



# Part II – Guiding Practices for Conducting Investigations

- Witness interviews
  - ★ Witness interview checklist
- Gathering and preserving evidence
- Analysis of evidence and making findings
  - ★ How to make findings of fact
- Report writing
  - ★ When writing an investigative report, be sure to...
- Taking corrective action
- Communicating the outcome



# Part III – An Overview of PACY and its Investigative Process

- Contains a summary of the PACY Act
  - Functions of PACY
  - PACY's Investigative Unit
  - Jurisdiction to investigate
    - Matters excluded from investigation
  - Discretion not to investigate
  - Power to compel information and documents
  - Limits on disclosure of information and documents



## Part III – An Overview of PACY and its Investigative Process

- Also contains a step-by-step overview of the 3 stages of PACY's investigative process
  - Stage 1 – Notice of an investigation
    - Courtesy call
    - Notice of investigation letter
    - ★ I've received a notice of investigation...



# Part III – An Overview of PACY and its Investigative Process

- Stage 2 – Information gathering
  - Document request letter
    - ★ I've received a document request...
  - Witness interviews
    - ★ PACY will be interviewing members of our organization (preparing staff and residents) ...



# Part III – An Overview of PACY and its Investigative Process

- Stage 3 – Reporting
  - The draft report
    - ★ We've received a copy of PACY's draft investigation report...
  - The final report
    - ★ We've received a copy of PACY's final investigation report...



# Part IV – Special Considerations for Diverse and Complex Needs Groups

- Considerations for how to communicate and interact with children
  - Disabilities
  - Identifying as LGBT2SQ
  - Cultural, racial and religious diversity
  - Language needs
  - First Nations, Inuit and Métis
  - Deaf or hard of hearing
  - Out of province



# Part V – Forms and Templates

- OARTY templates
  - **Complaint Policy**
    - Informing children of the complaint procedure
    - Informing parents and professionals of the complaint procedure
    - Acknowledgement of review of the complaint process
    - Receiving a complaint
    - Documenting a complaint
    - Deferring or withdrawing a complaint
    - Complaint tracking and analysis



# Part V – Forms and Templates

- Complaint templates
  - Complaint Handling Procedure Brochure
  - “How Do I Tell Someone if I Have a Problem” Form
  - Acknowledgement of Review of Complaint Process Form (Child and Staff/Professional)
  - “I Have a Concern” Form
  - Complaint Form
  - Complaints Tracking Form
  - Annual Review Form



# Part V – Forms and Templates

- Investigation Policy
  - Internal investigation plans
  - Timelines for investigations
  - Interviewing witness and gathering documents
  - Confidentiality
  - Investigation reports
  - Retention of investigation file
  - Resolution/outcomes
  - Unresolved/inconclusive investigations



# Part V – Forms and Templates

- Investigation templates
  - Introductory letters (complainant, respondent, witness)
  - Investigation Plan
  - Witness Statement
  - Complaint Investigation Outcome Form
  - Investigation Report
  - Resolution/outcome letters (complainant, respondent)



# Part V – Forms and Templates

- PACY Forms
  - Request for Investigation: Children’s Residence
  - “What to Expect from an Investigation” Brochure
  - Notice of Investigation Letter
  - Document Request Letter
  - Certificate of Production of Documents
  - Summons
  - Confidentiality Undertaking



# Appendices

|   |   |
|---|---|
|   |   |
| A | Regulation of Residential Service Providers |
| B | Overview of Mandatory Reporting Obligations |
| C | Rights of Children in Care                  |
| D | External Complaint Processes                |



# Dealing with Complaints (workshop)



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# Requirement for Written Complaint Procedure

- *CFSA*, s. 109(1) / *CYFSA*, s.18(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 about:
  - alleged violations of the rights of children in care
  - conditions or limitations imposed on visitors, or suspensions of visits



# Requirement for Written Complaints Procedure

- *CFYS*, O.Reg. 70, s. 73(q)
- 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 Complaint Procedure

- *CFSA*, O. Reg. 70, s. 41
- The written complaint 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



# Contents of Written Complaint Procedure

- *CYFSA*, s.18(2)
- The complaint procedure must provide that the service provider will tell children that they may ask for help from PACY in:
  - making a complaint; and
  - requesting a further review of the complaint



# Requirement to Conduct Review of Complaints

- *CFSA*, s. 109(2) / *CYFSA*, s. 18(3)
- A service provider shall conduct a review and seek to resolve a complaint of:
  - a child in care;
  - the child's parent;
  - another person representing the child; or
  - a person affected by a condition or limitation on, or a suspension of, visits



# Response to Complaints

- *CYFSA*, s.18(4)
- Upon completing a review of a complaint, the service provider must inform the complainant(s) of the results of the review



# Right to be Informed

- *CFSA*, s.108 / *CYFSA*, s.9(b)
- 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; and
  - the existence of PACY



# Benefits of a Proper Complaint Procedure

- Compliance with legislation
- Meet accreditation standards
- Protect the rights of children
- Improve services for children and their families
- Prevent external complaints
  - Minister
  - PACY
  - Other regulatory bodies



# I Received a Complaint...

- Listen to or review the complaint. Seek clarification as needed
- Consider any mandatory reporting obligations
- Provide the child with any immediate assistance to ensure that they are not at any risk of harm
- Provide the complainant with a brochure outlining your complaint process and explain the process to them
- If the complaint is verbal, consider asking the complainant to put it in writing
- Assist a child in finding a support person to help them write out their concerns



# I Received a Complaint...

- Provide the child with the contact information for PACY and explain that PACY can assist with their complaint
- Suggest community supports which the child may wish to involve for assistance
- Advise the appropriate person in your organization of the complaint so that the RSP may undertake a review of the complaint
- Acknowledge receipt of the complaint in writing
- Discuss the complainant's wants in terms of an outcome
- Seek to resolve the complaint (informally or formally)
- Begin the process of tracking the complaint and its outcome



# Special Considerations

- Ensure all communication is provided in gender neutral terms
- Ensure the use of preferred pronouns
- Be a safe space and have a declaration of such
- Do not minimize concerns of malicious or harassing behaviours
- Provide an ally or advocate for children in the complaint and investigation process
- Do not “out” a child who is not already out; do not assume that because they have told you, that they are comfortable with others knowing



# Complaint Procedure Brochure

Organization Name  
Contact Information

**COMPLAINT HANDLING PROCEDURE**

Information for children, young people, legal guardians, and other concerned individuals

**Who Else Can I Contact?**

You can talk to people at any of these agencies. They will:

- Provide you with information on your rights and responsibilities
- Help you make a complaint with your Residential Program
- Support you while you are going through the Complaints Process

CAS Worker  
Name: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Diversity Representative  
Name: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Provincial Advocate for Children and Youth  
Email: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

MPP  
Email: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

**YOUR LOGO HERE**

We can phone the Provincial Advocate's Office with you on your behalf and with your permission, and tell them your concerns and arrange for you to speak with them.



## How Can I Express a Concern or Complaint?

Expressing a Concern or Complaint can be done **informally** (discussion of the concern to problem solve but not necessarily to have an investigation), or **formally** (written concern that will be investigated by your Residential Program or another outside agency that will look at a violation of policies and/or your rights).

Complaints can be made in person, in writing or by phone. You can also express a concern or complaint in private or through group/resident meetings, suggestion boxes or anonymously.

## What if I Need Help in Expressing a Concern or Complaint?

Your Residential Placement can provide you with a support person to help you fill out any forms and assist you through the process. You can also request that information is adapted to meet your language and literacy need, disability and physical, cognitive and sensory abilities. You can request a diversity representative to make sure services are consistent with your diversity needs.

## Confidentiality

During an investigation of your concern or complaint, the information you provide will be kept as confidential as it can be however some or all of the information may have to be told to others to be able to complete the investigation and/or to keep you, or other's safe.

## What Happens After I Make a Complaint?

You will be notified within 5 days after the end of the investigation of the recommendations and changes if the investigation is verified. At no time will you be given a consequence for expressing a concern. If you are not happy with the process or outcome, then you can notify your CAS worker, a diversity representative, your lawyer, the Provincial Advocates Office or MPP to follow up.



Sometimes there are situations that we need to be concerned with, about the way you are being cared about. This is not 'being difficult'. Letting us know what might not be working gives us an opportunity to become aware of what is happening and improve how we take care of you.

## You can express a Concern or make a Complaint if;

- you Disagree with a service,
- you are Dissatisfied about a service,
- you are Concerned about the treatment you have received from another resident, a staff member or a community member,
- if you feel Something Should be Provided to you and it isn't, or
- if there is a problem or Difference of Opinion about your treatment plan.

## How do I make a Complaint or express a Concern?

### Step One

If you are comfortable, discuss the concern or complaint with someone you trust or the other person. See if you can agree on a solution.

### Step Two

Request the complaint form to fill out or get help from a person you choose to help fill it out. The completed form will be given to \_\_\_\_\_.

This person will investigate your concern and provide you with information on the solution within \_\_\_\_\_ days.

All complaints and resolutions will be documented. A copy will be sent to your CAS worker and a copy will be put in your file.

You can notify your CAS worker, their supervisor, your diversity representative, your lawyer, the Provincial Advocates Office and/or your Member of Provincial Parliament at ANY time.

## What is a Complaint?

A complaint is telling someone you are unhappy or concerned about the quality, appropriateness, the decisions, the delivery, or lack of delivery of a service that you are getting while you are in a Residential Program. This can include, but is not limited to:

- your rights are not being respected or met
- You think you're not being included in your planning and decision-making
- You are concerned about not getting a service you need
- you think you are being discriminated against because of your age, disability, gender, sexual orientation, race, beliefs, religion, language, or lifestyle
- your safety is at risk in the Residential Program
- Your education, health care, diet or cultural practices are not being respected or followed

## Who Can Express a Concern or Complaint?

Anyone can express a concern or make a complaint if you are receiving or effected by the services of a Residential Program. This includes:

- Children living in the program
- Family or representative of the child
- Staff or foster parents of the residential program
- A person with an interest in the residential program - school, probation, doctors, etc.
- Community members and neighbors.



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# Report a Concern - Children

YOUR LOGO HERE

## How Do I Tell Someone if I Have a Problem?



### It's OK to Make a Complaint

Telling someone what might not be working and what worries you in your residential placement is a good thing.

We want you to talk with us about what is happening in your placement so that we can improve how we take care of you.

You can tell your Problem or Concern or make a Complaint to an adult if:

- You *Disagree* or *are Not Happy* with the way you are being taken care of,
- You're *Worried* about the way another person in your home - a kid or a staff is treating you,
- You feel something should be provided to you and it isn't, or
- You want your staff or foster parent to help you solve your problem your way and not their way.

#### How Do I Tell Someone I Have a Problem?

|  |  |
|--|--|
| <p><b>Step One</b></p> <p>If you are comfortable, talk about the problem or complaint with someone you trust or the other person involved. See if you can solve the problem.</p> | <p><b>Step Two</b></p> <p>Ask for a copy of the 'I Have a Concern Form' to fill out. You can ask for help from someone you choose to help fill the form out.</p> |
|--|--|

**\*If you need more help, please ask for it \***

**\*\* You can call the Provincial Advocate's Office at any time\***

When the form is done you can give it to:

[Insert RSP name] will look into your concern and will give you an answer to what is bothering you as soon as they talk to everyone involved. Any decision will be made with you.

*All complaints and answers will be written down. A copy may be sent to your Child Welfare worker or their supervisor and a copy will be put in your file.*

AGENCY INFO

## Who Can I Call if I Have a Problem in my Placement?



You can talk to people at any of these agencies. They will:

- Provide you with information on your rights and responsibilities
- Help you make a complaint with your Residential Program
- Support you while you are going through the Complaints Process

Child Welfare Worker  
Name: \_\_\_\_\_  
Email and Phone Number: \_\_\_\_\_

Band, Council or MCMR Diversity Representative  
Name: \_\_\_\_\_  
Email and Phone Number: \_\_\_\_\_

Ombudsman (Email) \_\_\_\_\_  
(Phone Number) \_\_\_\_\_

Provincial Advocate for Children and Youth (Email) \_\_\_\_\_  
(Phone Number) \_\_\_\_\_

Member of Provincial Parliament (Email) \_\_\_\_\_  
(Phone Number) \_\_\_\_\_



We can help you phone the Provincial Advocate's Office, or we can phone them with you, or on your behalf, with your permission and tell them your concerns and arrange for you to speak with them.

2

# Report a Concern - Children

*Confidential* **I Have A Concern...**

My Name: \_\_\_\_\_  
 Today's Date: \_\_\_\_\_



**My Concern**  
 You don't have to answer all the questions. Do not guess. It's ok to leave a box empty.  
 \*If you need more help, please ask for it.\*  
 \*\* You can call the Provincial Advocate's Office at any time at 1-800-263-2841\*\*

When the form is done you can give it to:

**What are you unhappy about?**



**When did it happen?**

Month \_\_\_\_\_  Morning  Evening  
 Day \_\_\_\_\_  Lunchtime  Nighttime  
 Afternoon  Bedtime

**Where did it happen?**



**Who was involved?**



**How do you want this changed?**



**What has been done to try to change it?**



**How are you feeling about what happened?**

How are you feeling?

|  |   |   |   |                                       |
|--|---|---|---|---------------------------------------|
|    |    |    |    | <b>Other?</b><br><input type="text"/> |
| Happy  | Joyful  | Content   | Silly   |                                       |
|   |   |   |   |                                       |
| Sad  | Angry   | Scared  | Worried   |                                       |
|  |  |  |  |                                       |
| Confused   | Surprised   | Hurt  | Embarrassed   |                                       |

**Did someone help you fill this form out? If yes, who?**




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# Report a Concern – Staff/Parent

*Confidential*

YOUR LOGO HERE

**COMPLAINT FORM**  
*Young Person/Professional/Staff/Parent*

You don't have to answer all the questions. Do not guess. It's ok to leave a box empty  
 \*If you need more help, please ask for it \*  
 \*\* You can call the Provincial Advocate's Office at any time at 1-800-263-2841\*\*

When the form is done you can give it to:

[Name of Complaints Handling Staff]

**COMPLAINANT INFORMATION**

|                |   |
|----------------|---|
| Date:          | Program:  |
| Your Name:     | Contact Number:   |
| Worker/Parent: | PACY Notified? <input type="checkbox"/> Yes <input type="checkbox"/> No |

**COMPLAINT INFORMATION**

**Summary of Complaint** – Please provide as much information/detail as you can remember  
 If you are completing this on behalf of another person, please write verbatim as much as possible

|   |                     |
|---|---------------------|
| What is your complaint about?   | When did it happen? |
| Where did it happen?  | Who was involved?   |
| Describe how this incident impacted you and how it made you feel? (optional)                                  |                     |
| What has been done to try to address the concern? (optional)  |                     |
| How would you like to see your complaint or concern addressed?  |                     |
| Did someone help you fill this form out? If yes, who <input type="checkbox"/> Yes <input type="checkbox"/> No |                     |

**SIGNATURES**

|   |                              |
|---|------------------------------|
| Signature of Person making complaint        |                              |
| Signature of Staff receiving complaint      |                              |
| Signature of Person helping fill out form   |                              |
| Signature of Director                       |                              |
| Date form forwarded to Child Welfare Worker | <input type="checkbox"/> N/A |



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# Tracking Complaints

Confidential and  
Internal Use Only



## COMPLAINTS TRACKING FORM

*This document assists Residential Service Providers in tracking all complaints and compliments received to inform continuous improvement activities.*

| Date received | Complainant Type | Complaint Issue | Persons Involved                       | Complaint Requested Remedy                        | Outcome/Action Taken   | Policy / Procedures Affected   | Date closed | Person's Notified                         | Further Action to Consider  | Follow up with young person |
|---------------|------------------|-----------------|--|---|--|--|-------------|---|---|-----------------------------|
| 21.2.12       | Resident         | Stolen property | Resident AJ<br>Resident DK<br>Staff RL | Items to be returned or replaced by DK or program | Room search completed, statements from all involved, Repayment of stolen items by DK<br>Updated POC treatment plan | 14.1 Rights and Responsibilities<br>15.3 Respect for others property | 28.2.12     | Notified CAS Worker and probation officer | Residents being able to go into other residents room without permission |                             |
|               |                  |                 |  |   |  |  |             |   |   |                             |
|               |                  |                 |  |   |  |  |             |   |   |                             |
|               |                  |                 |  |   |  |  |             |   |   |                             |



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# Annual Review of Complaints



*Confidential and  
Internal Use Only*

## ANNUAL REVIEW AND PLAN FOR *[insert RSP here]* *[Insert date/year reviewed here]*

*To be completed and reviewed annually by staff team and applicable stakeholders and consultants.  
The purpose of the review is to identify necessary changes in agency policy and/or practice in order to improve services to young people and their families.*

| TYPES OF COMPLAINTS FROM LOG REVIEW- themes and patterns identified | RELATED POLICY/PROCEDURE | PLAN OF ACTION | TIMELINE OF COMPLETION | EXTERNAL RESOURCES or REPRESENTATIVES ACCESSED/ CONSULTED | VARIANCES OR CONCERNS FOR THE INVESTIGATIVE PROCESS COMPLETED |
|---|--------------------------|----------------|------------------------|---|---|
|   |                          |                |                        |   |   |
|   |                          |                |                        |   |   |



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# Conducting Investigations (workshop)



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# A Formal Investigation is Likely Necessary When:

- The complaint involves allegations which are not of minimal concern
- The complaint alleges several or repeated violations of the rights of a child
- The complaint involves multiple parties
- Information is required from several witnesses
- One of the parties (usually the complainant) requests a formal investigation
- The respondent will not take the matter seriously unless there is a formal investigation
- The allegations involve a risk of harm to the RSP or its staff (e.g. discipline of a staff member, threat of a legal proceeding, damage to reputation); or
- The matter could not be resolved informally



# Preparing for the Investigation

- Review the RSP's policies which are applicable to the situation, including the RSP's investigation policy
- Review legislation and MCYS and/or accreditation standards which are applicable to the situation
- Determine whether there is a collective agreement which requires the union's participation in any part of the investigation
- Determine with the RSP whether any interim measures need to be put in place pending the completion of the investigation
  - transferring a staff person
  - reassigning supervisory relationships
  - suspending an employee with pay pending investigation
  - offering EAP services to staff members or other supports to the parties and witnesses



# Preparing for the Investigation

- Consider whether the parties or witness would benefit from including community supports such as a Band/Native community or MCMR representative
- Carefully review the complaint and any underlying documents (e.g. personnel records, resident files, logs, notes, e-mails, etc.)
- Choose a location(s) for the witness interviews which is neutral, comfortable and private
- Decide who needs to be interviewed as part of the investigation. Typically, the investigator interviews the complainant(s) first and then decides the order of the remaining witnesses and respondent(s) to be interviewed



# Preparing for the Investigation

- Determine if the interviews will be recorded by note-taking or audio recording
- Begin drafting questions or identifying subject areas to be explored with the parties and witnesses
- Determine whether you need any assistance (e.g. an IT professional to recover or repair computer files, someone to take handwritten or computer notes of the interviews)
- Prepare a letter for the parties and witnesses which explains that an investigation will be completed, introduces the investigator, and welcomes the parties and witnesses to involve a support person



# Preparing for the Investigation

- Follow-up with another letter, phone call or meeting with the parties and witnesses to confirm the date and location of their interview, their choice of support person (if any), and any special accommodations which they may require to participate in the interviews (e.g. translator)
- Put protocols in place to ensure that the investigation file is safely stored, either physically or electronically, or both
- Document the planning in an Investigation Plan. This Investigation Plan should be consistent with the RSP's policy on investigations



# Investigation Plan

PRIVATE & CONFIDENTIAL

## INVESTIGATION PLAN

*To be completed by person assigned to complete the complaint investigation.*

**Date:** November 16, 2017

**Name of Complainant(s):** Imani Wilcox, Support Staff / Jacqueline (Jackson) Tyler, Client

**Name of Respondent(s):** José Placero, Evelyn Drummond, Garth Drummond

### I. Summary of Complaint

On November 16, 2017, the Director received a verbal complaint from support staff, Imani Wilcox ("Imani"), concerning Jacqueline (Jackson) Tyler ("Jacqueline"), a child placed by CAS at the home. Imani describes Jacqueline as "transgender". She is concerned that another support staff, José Placero (José), and the foster parents, Evelyn Drummond and Garth Drummond, are not respecting Jacqueline's lifestyle choices and values and is also concerned that Jacqueline's right to feel safe is being violated.

Imani reported that on November 15, 2017, Jacqueline expressed to her that she is very unhappy because José and the other foster children, Joey Augun ("Joey") and Timothy Brooks ("Timothy"), keep calling her Jackson and telling her that she is not a girl. Jacqueline told Imani that she does not like being "made fun of" and being called "gay" by José and Joey, and her foster parents do not say anything to make them stop. Jacqueline also said to Imani that on November 8, 2017, in José's presence, Joey threatened to "beat her up" if she asked him to play dolls again, but José did nothing about it.

### II. Notification of Parties

|   | Date Letter Sent | Date of Initial Meeting |
|---|------------------|-------------------------|
| Complainant: Imani Wilcox               |                  |                         |
| Complainant: Jacqueline (Jackson) Tyler |                  |                         |
| Respondent: José Placero                |                  |                         |
| Respondent: Evelyn Drummond             |                  |                         |
| Respondent: Garth Drummond              |                  |                         |
| Witness: Joey Augun                     |                  |                         |
| Witness: Timothy Brooks                 |                  |                         |



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# Witness Interview Checklist

## Prior to interview:

- Send an introductory letter to the parties and witnesses advising them of the investigation, introducing the investigator and outlining the “rules” (e.g. confidentiality and protection against reprisals)
- As a follow-up to the introductory letter, contact the parties and witnesses to confirm the date, time and location of their interviews, and to discuss procedural matters such as support persons, special needs which require accommodation and the confidentiality of the investigation
- Resolve any potential issues with the choice of support person. A person who is involved in the investigation cannot act as a support person



# Witness Interview Checklist

- Consider whether additional information is required from the complainant to understand the nature of the complaint. If necessary, obtain more details from the complainant or confirm that there are no additional allegations
- Advise the complainant that a summary of their complaint will be provided to the respondent
- Send a summary of the complaint to the respondent. As a matter of fairness, the respondent has a right to know the allegations and prepare for how to respond to them in advance of the interview
- Let staff members know that they will be paid for their time while participating in the interview



# Witness Interview Checklist

- Ensure that the RSP has communicated any interim measures to the affected individuals, including support services available to them
- Provide the parties and witnesses with a copy of any applicable policies, including the RSP's investigation policy
- Advise witnesses that the complaint is not about them. However, do not discuss the nature of the complaint with the witnesses



# Witness Interview Checklist

## During the interview:

- Introduce yourself to the parties and witnesses. Explain your role as a neutral investigator, the purpose of the investigation and the investigative process to follow. If someone is assisting you in the interviews with taking notes, explain their role. Answer any questions posed by the witness or their support person.
- Ensure that the parties, witness and their support person (if any), are comfortable. Let them know that they can take a break at any time or resume the interview on a later date if necessary.
- Remind parties and witnesses of any available support services.



# Witness Interview Checklist

- Review the importance of confidentiality:
  - The parties and witnesses should be told not to discuss the complaint or the investigation with anyone, except specified support persons
  - Advise staff members that failing to maintain confidentiality may result in discipline, up to and including termination of employment
  - Explain to the parties and witness that you will attempt to maintain the confidentiality of the information which they provide you. However, you may be required to share this information with others involved in order to conduct the investigation
  - Explain that you will be preparing a written report of the investigation which will be shared with senior management of the RSP
  - Explain that the RSP may be required to disclose the investigation file and report if required by law (e.g. to PACY)



# Witness Interview Checklist

- Explain that no one can be penalized for having participated in the investigation and that parties or witnesses should contact you if they experience any reprisals
- Emphasize the importance of making full and truthful disclosure to the investigator
- Question the parties and witnesses with an open-mind about their evidence. Do not prejudge or make assumptions about them
- Interview the complainant first
- Keep your questions short and simple



# Witness Interview Checklist

- Ask questions of the parties and witnesses which are open-ended and not leading or accusatory. Try to start every questions with who, what, where, when, why or how.
  - What happened? What happened next?
  - Where did it happen?
  - When did it happen?
  - Who was there?
  - What did you see?
  - How long did it last?



# Witness Interview Checklist

- Ask questions in chronological order to help ensure that the parties and witnesses do not miss anything
- Ask the witnesses “pointed” questions which elicit what they know about the events but reveal as little as possible about the complaint or what others have said
- Listen to the answers to your questions. Make sure that the parties and witnesses are answering your questions directly
- Do not interrogate or cross-examine the parties or witnesses. Do not ask questions which try to elicit a specific response. Do not interrupt
- Try to save tough or embarrassing questions for the end when the parties and witnesses are more comfortable being interviewed



# Witness Interview Checklist

- Avoid questions about matters which are outside of the scope of the investigation
- Ask whether there are any supporting documents
- Always conclude the questioning with asking “Is there anyone else I should speak to” and “Is there anything else you would like me to know”
- After all questions have been asked, request that the parties and witnesses review your notes of their interview and sign them for accuracy. If necessary, give individuals time to review your notes with their support person and confirm their accuracy within a reasonable time after the interview.



# Witness Interview Checklist

- Advise the parties and witnesses that you may need to speak to them again in the near future
- Obtain contact information for the parties and witnesses and ensure they have your contact information. Invite them to contact you if they recall any additional details
- Thank the person interviewed for their cooperation. Decide on the next person to be interviewed



# Guiding Practices

1. Deciding to conduct an investigation
2. Selecting the investigator
3. Determining the scope of the investigation
4. Planning the investigation
5. Witness interviews
6. Gathering and preserving documentary evidence
7. Analysing the evidence and making findings
8. Report writing
9. Taking corrective action
10. Communicating the outcome



# Responding to a PACY Investigation (workshop)



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# I've Received a Notice of Investigation...



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# I've Received a Notice of Investigation...

- Notify the appropriate individuals within your organization that PACY intends to conduct an investigation e.g. senior management, your legal counsel, etc.
- Determine who within your organization will be the primary contact person(s) for PACY (“Lead”)
  - monitor the progress of the investigation
  - coordinate your organization’s response
  - main contact for children, parents, staff members and others who may have questions about the investigation
  - cannot be a person who may be required as a witness in the investigation



# I've Received a Notice of Investigation...

- Identify the Lead to PACY. Request that all future communication be directed to the Lead
- Create a file to track the investigation
  - Keep all written communications with PACY in the file and accurately document dates, timelines, discussions, meetings and actions taken
  - Ensure secure storage of the file (physical and/or electronic)
  - Limit access to the file to the Lead and other members of senior management



# I've Received a Notice of Investigation...

- Consider whether PACY has jurisdiction to conduct an investigation
  - Does the matter relate to a child that has been placed by the CAS?
  - Is this a matter which PACY is prohibited from investigating?
  - Has the complainant exhausted your internal complaints process?
- If you have concerns relating to PACY's jurisdiction, raise them with PACY and seek legal advice as necessary
- Consider whether this may be a matter in which it is appropriate to ask PACY to exercise its discretion not to conduct an investigation



# I've Received a Notice of Investigation...

- Identify, locate and review any relevant files, policies or other records which may be requested by PACY (e.g. child's file, serious occurrence reports, underlying complaint file, etc.)
- Identify staff members, children, parents and others who may be interviewed by PACY as part of the investigation. Consider how to communicate the investigation to them when the time is right
- Review the PACY Act and other resources available from PACY and OARTY to refresh your understanding of your rights and obligations relating to the investigation



# I've Received a Notice of Investigation...

- Decide if and when you wish to participate in an introductory briefing with PACY and who from your organization should attend the briefing (e.g. Lead).
- Determine whether you wish to have this meeting prior to providing documentary disclosure to PACY or at some other point in the investigation
- Understand the complaint being investigated
  - Is PACY conducting an individual or systemic investigation?
  - What is the precise scope of the investigation to be conducted by PACY? Is it consistent with the issues raised in the underlying complaint to your organization?
  - How did your organization deal with the complaint internally and what was the outcome?

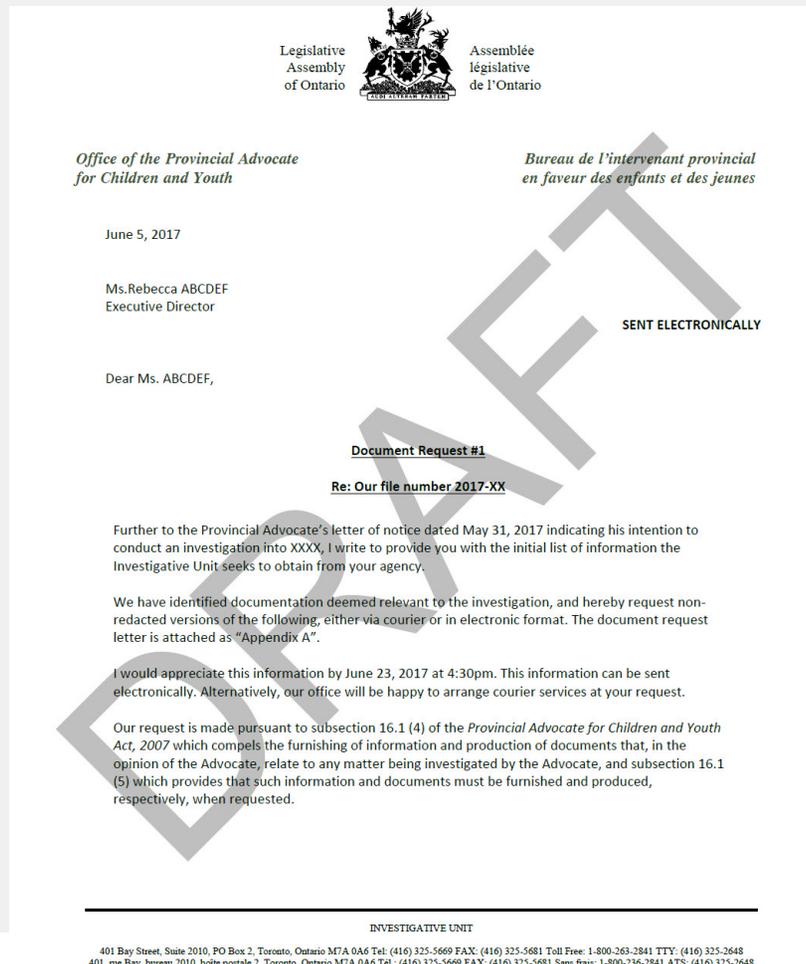


# I've Received a Notice of Investigation...

- Consider what protocols should be taken by your organization and PACY in order to accommodate the diverse needs of the children involved
- Discuss the identified needs with PACY before the investigation begins (for instance, during the introductory briefing)
  - Notification of the child's Band or Native community if the investigation will involve a First Nations, Inuit or Métis child or children
  - Offering to communicate in French with Francophone children who will participate in the investigation
  - Involvement of community agencies supporting specific cultural, religious or diverse groups to ensure that the investigation is conducted in a manner which respects their differences



# I've Received a Document Request...



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# I've Received a Document Request...

- Provide the Lead with the Document Request immediately upon receiving it
- Decide whether your organization requires a Summons and who is the appropriate person to whom the Summons should be directed. If you have not already done so, advise PACY that your organization requires a Summons
- Review the documents or things listed in the Document Request to determine whether they can be produced to PACY by the specified deadline, or if an extension of the deadline may be required
- If an extension is required, make a request to PACY in writing as far in advance of the deadline as possible



# I've Received a Document Request...

- Determine who will be responsible for gathering and organizing the documents or things requested by PACY
  - E.g. Lead
  - It should not be a person who may be required to participate as a witness in the investigation



# I've Received a Document Request...

- Review all of the documents or things before they are produced to PACY. Consider whether each requested document or thing must be produced. A document or thing does not have to be produced if:
  - it clearly does not relate to the matter under investigation
  - it is subject to solicitor-client privilege
  - it falls within the class of documents or things exempt from disclosure under the PACY Act
  - there is some other legal basis for not producing it



# I've Received a Document Request...

- Ask your legal counsel to review the requested documents or things and advise you on any documents or things that are not subject to disclosure
- Contact PACY before the disclosure deadline to discuss documents or things which the RSP determines are not subject to disclosure, or not in its possession or control
- Ask PACY to provide you with a final copy of the Document Request



# I've Received a Document Request...

- Maintain a detailed chart of documentary disclosure:
  - documents or things requested by PACY
  - the date of the request
  - documents or things that have been produced to PACY
  - the date of production
  - documents or things which have not been produced to PACY and the reason for not disclosing them
- Maintain an exact copy of the documents or things that were sent to PACY. Keep them organized in your file relating to the PACY investigation. Do not mark or otherwise alter these documents.
- Keep records of your communications with PACY concerning documentary disclosure in the PACY investigation file



# I've Received a Document Request...

- Ensure that any documents or things relevant to the investigation are kept securely until the completion of the PACY investigation
- Keep in mind that PACY may request additional documents or things not included in its initial Document Request at some point later in the investigation
- Review the documents to be produced to PACY to ensure that they are those requested and are complete. Decide who will sign the Certificate of Production of Documents



# Preparing Your Staff...

- Provide the Investigation Lead with the witness list received from PACY immediately upon receiving it
- Review the witness list to determine which individuals from your organization will be interviewed. If there is a witness within your organization who PACY has missed and should be interviewed, advise PACY
- Let your staff member know in advance that they will be interviewed by PACY as part of an investigation
  - Although you may share the general nature of the matter being investigated by PACY, do not discuss the staff member's knowledge or involvement in the matter or identify other persons to be interviewed by PACY.
- Staff members should be spoken to individually and in private



# Preparing Your Staff...

- Ask the staff member to let you know the date and time of their interview once it is set in order to arrange for coverage and avoid disruption to care of your residents
- Explain the role of PACY and the investigative process to the staff member to be interviewed. Answer any questions from your staff member about the investigative process
- Advise the staff member that they will be required to provide information to investigators under oath or affirmation. Therefore, the information provided to investigators must be truthful and as accurate as possible, and not based on opinion, speculation or guessing
- Explain that lying to investigators is perjury, which is a criminal offence



# Preparing Your Staff...

- Consider whether there are any records or notes underlying the matter under investigation which the staff person can review in order to refresh their recollection of events prior to the interview
- Review any limits on the staff member's ability to disclose information to investigators such as statutory obligations of secrecy or solicitor-client privilege. If necessary, seek legal advice in this regard
- Explain that the PACY Act offers protections against self-incrimination.
  - No statement made by a person to investigators can be used against the person in any other proceedings, except perjury



# Preparing Your Staff...

- Discuss the option of having a support person present during the interview and canvas who may be the appropriate person
- Emphasize to the staff member that the PACY investigation is strictly confidential and they cannot discuss their evidence or other aspects of the investigation with anyone
- Remind the staff member of any workplace policies that protect them from intimidation or reprisal for having participated in the investigation



# Preparing Your Staff...

- Explain to staff that investigators may require witness to provide additional information or documentation in a follow-up interview(s)
  - Staff member may be interviewed more than once.
- Provide your staff member with a copy of PACY's "What to Expect from an Investigation" brochure
- Ensure that staff members clearly understand their obligation to cooperate with PACY investigators
  - Emphasize that documents or other records cannot be altered or destroyed
  - Explain that it is an offence to obstruct or mislead PACY in the performance of its functions



# Preparing Your Staff...

- Remind staff members to conduct themselves in a manner which is professional and courteous at all times
- Assure staff members that they can speak to you about any concerns with respect to the conduct of the investigation
- Remind staff of any EAP or other support services which are available to them
- Keep all written communication with witnesses and PACY in your PACY investigation file



# PACY Brochure

**PACY's "What to Expect" Document**

**Do I have to cooperate with an investigation and what will happen to the information provided?**

It is important to understand what the Advocate's Office is required to do under the Act. A variety of information is collected by the Advocate's Office in a number of legal capacities. For example, any statements given to the Advocate's Office are used to determine if a child is in need of protection or if a child is in need of services.

You may be required to provide personal information during the course of an investigation, even if the information may not otherwise be collected by courts or other law enforcement. All documents must be provided with a request for access to information.

Unless the Advocate's Office determines that it is necessary to disclose personal information in the course of an investigation, the Advocate's Office will generally keep personal information confidential. The identity of the reporting individual, where the case will not be published as an investigation report.

The Advocate's Office may be required to disclose information you provide if authorized or required to do so, if there is a risk of harm or if necessary for the purposes of law enforcement.

The Advocate's Office may also share information discovered in the course of an investigation with appropriate authorities. This includes, but is not limited to, the Ministry of Children, Youth Services, and the Ontario Health Services, or other agencies.



**For more information on the Investigative Unit, please visit our website at:**  
[www.provintcaladvocate.on.ca/investigations](http://www.provintcaladvocate.on.ca/investigations)

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**Or call us at:**  
 416-325-5669 (local) or at  
 1-800-265-2840 (toll-free)

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**Provincial Advocate  
 for Children & Youth**

Provincial Advocate for Children and Youth – Investigative Unit  
 311 Bay Street – Suite 2109  
 Toronto, Ontario M5H 4M5

**WHAT TO EXPECT FROM AN INVESTIGATION**

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**Office of the Provincial Advocate  
 for Children and Youth**

100 Queen Street West  
 Toronto, Ontario M5H 2M2




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# PACY Brochure

## Key Steps in the Investigation Process

- 1**  
**Complaint or notice of circumstances**

A young person or member of the public may come forward with a complaint, be directed to the Advocate's Office or the Investigative Unit, or another reporting mechanism that also comes in the jurisdiction of the Advocate's Office through its other functions.
- 2**  
**Initial fact-finding investigation**

When the Investigative Unit receives a request for an investigation, the complaint is reviewed and a decision is made whether or not to proceed based on the unit's mandate and jurisdiction. If the Investigative Unit receives a complaint and does not have jurisdiction or cannot investigate, it will refer the person who filed the complaint.
- 3**  
**Investigation report**

If the investigation proceeds, the Director of Child and Youth Services is contacted by the Director of Investigations and is accurately notified of the Advocate's intention to investigate. The matter, other affected parties, if a children's aid society or residential home, as well as the Director of Investigations.
- 4**  
**Investigation process**

The lead investigator will convene an investigation team of the matter, which generally includes the investigative team meeting with the affected parties to discuss the investigation process and address any necessary concerns. Investigators reviewing the case and gathering documents and other information relevant to the investigation. Interviews are held with affected parties, witnesses, and any others with knowledge of the events. The preparation of a draft report. If it is determined that the report or recommendations from an investigation will adversely affect a person or entities, out of the jurisdiction, the Investigative Unit will give the affected party the opportunity to respond in the report or recommendations. A final report may be shared or publicly shared with affected parties for comment below it is posted.
- 5**  
**Publication of the final report**

The final report is made public. The report will outline the reasons for the investigation, make recommendations, and may address other matters. The report will also contain any information which identifies a child or young person.
- 6**  
**Follow-up services**

The Advocate may work a progress report and wear mental health and social services, based on the information provided. The Advocate may decide whether to send a copy of the progress.

## What is the Investigative Unit of the Advocate's Office?

The Advocate's Investigative Unit of the Advocate's Office is responsible for investigating, where possible, incidents involving child abuse and making recommendations to improve the services provided to children by a children's aid society or residential home.

The Investigative Unit of the Advocate's Office is responsible for investigations. The Investigative Unit may start an investigation in response to a complaint or to review an individual incident, or may investigate a systemic issue involving children's services.

More info on this can be found on our website: [www.ontario.ca/advocate/en/11/investigative-unit](http://www.ontario.ca/advocate/en/11/investigative-unit)

## What happens during an interview?

The Advocate's Office will interview, if necessary, a child and/or parent of a young person who is the interviewee. The interview will be conducted in the presence of the Advocate's Office and will be conducted in a confidential manner. The Investigative Unit may also interview other parties to the investigation, which will be carried out in the Advocate's Office or some other location.

You may be required to provide documents or other information if you are required to bring documents, the Investigative Unit will identify those documents in advance.

Interviews are conducted in a confidential manner. You are permitted to have a support person attend, but not participate in, the interview.

## Your participation in the investigation process

If you have information that is relevant to the investigation, the Investigative Unit may require you to participate in the investigation.

- 1. Providing information**

You may be required to provide information to the Investigative Unit, in meetings and/or telephone calls.
- 2. Producing documents**

You may be required to identify and produce any documents in your possession that may relate to the investigation.
- 3. Participating in an interview**

You may be required to attend a public interview or a private interview with the Investigative Unit.





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# Preparing Your Residents...

- If you know that a child will be interviewed by PACY as part of an investigation, let the child and their parent(s) know in advance
  - If appropriate, share the general nature of the matter being investigated by PACY, but do not discuss the child's knowledge or involvement in the matter or identify other persons to be interviewed
  - Children should be spoken to individually and in private.
- Inform the child, in a language and manner suitable to their understanding, of the role of PACY and the investigative process
- Answer any questions the child may have about the investigative process so that they know what to expect



# Preparing Your Residents...

- Explain the importance of being honest with PACY investigators and that they cannot be punished for having participated in the investigation
- Provide the child with the contact information for PACY and the Lead in your organization
- If the child wishes, afford them with the means to contact PACY privately and without delay
- Ask the child to let you know the date and time of their interview once it is set so that you can facilitate their attendance at the interview and organize their schedule to avoid disruption to care



# Preparing Your Residents...

- Discuss the option of having a support person present during the interview and canvas who may be the appropriate person
- Arrange for any support services the child may require.
  - E.g. Band or Native community, a diversity representative or a community agency
- Emphasize to the child that the PACY investigation is strictly confidential and they should not discuss their evidence or other aspects of the investigation with anyone, except their support person



# Preparing Your Residents...

- Explain that investigators may require witnesses to provide additional information in a follow-up interview(s)
- Provide the child with a copy of PACY's "What to Expect from an Investigation" brochure
- After the interview, consider whether the child requires additional support services such as a child and youth counsellor, social worker or mental health practitioner



# We've Received the Draft Investigation Report...

- Carefully review the draft report and its recommendations in their entirety. The draft report may be shared with the RSP's legal counsel
- Ensure that the draft report is factually accurate and considers all of the pertinent evidence
- Consider whether the findings and recommendations contained in the draft report are within the scope of the matter which was investigated



# We've Received the Draft Investigation Report...

- Consider whether the recommendations made by PACY are consistent with its findings
  - Do the recommendations make sense in view of the investigative findings?
- Think meaningfully about whether the RSP can realistically implement the recommendations made in the draft report
- Note the names of any individuals inadvertently mentioned in the draft report



# We've Received the Draft Investigation Report...

- Determine whether written representations and/or a consultation with PACY is needed to suggest changes to the report
- Consider engaging legal counsel to draft written submissions and/or attend the consultation with you
- Prepare for your meeting with PACY in order to ensure that your comments will be presented in a clear, concise, persuasive and organized manner



# We've Received the Final Investigation Report...

- Carefully review the final report and its recommendations in their entirety (with your legal counsel)
- Ensure that any changes which PACY indicated would be made to the draft report have been made in the final report
- Develop an action plan in order to implement any recommendations made by PACY
  - Nature of the steps to be taken
  - Who is in charge of implementing them
  - Target date for implementation of the actions
  - Any follow-up with PACY



# We've Received the Final Investigation Report...

- Review the action plan within a reasonable time, and periodically if necessary, to ensure that steps have been taken, and continue to be taken, to follow the recommendations made by PACY.
- Consider whether implementing any of the recommendations will have adverse consequences for a staff member(s) and how they should be communicated to the staff member(s) and the union, if any
- Be prepared to answer questions from children, families, staff and the media with respect to the report and its recommendations
  - Hire a public relations consultant if the situation warrants



# We've Received the Final Investigation Report...

- Consider seeking the assistance of a lawyer with preparing a Formal Response
  - Appended to the final report if matters escalate to the Premier or Legislative Assembly
  - It should not contain any individual identifying information
- Have an appropriate policy in place (including timelines) for the secure storage, retention and destruction of your PACY investigation file



# Q & A Session



**Ontario Association of  
Residences Treating Youth**

*Centre of Excellence for Residential Care in Ontario*

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# Jennifer Foster, OARTY



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