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## Investigation Policy and Procedures

Approved on [Date](#)

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### Policy:

[RSP] will take certain preliminary steps prior to interviewing the parties and witnesses as part of an investigation into a complaint. These steps will include appointing an investigator, determining the scope of the investigation and deciding on certain logistical matters regarding witness interviews.

### Procedures:

#### Selecting an Investigator

1. If a formal investigation into a complaint is to be initiated, [RSP] will appoint an investigator. The investigator may be someone from within the organization (e.g. manager, Executive Director or a member of senior management) or an external person who is trained on conducting investigations (e.g. a lawyer or consultant).
2. The person selected to conduct the investigation will be impartial and objective (e.g. someone who is not involved in the incident and has no interest in the outcome), have skills and experience in conducting investigations, and have the ability to conduct the investigation in a timely manner.
3. When selecting the investigator, [RSP] will give consideration to factors including, without limitation, the person's experience within the residential care sector, familiarity with applicable legislation and standards, and whether the investigator has specific qualifications or characteristics (e.g. gender, race) in order to be able to meaningfully communicate or relate to children from diverse backgrounds or who have complex needs.

#### Determining the Scope of the Investigation

4. The investigator, together with [RSP], will determine the scope of the investigation (i.e., the issues that are to be investigated) based on the allegations raised in the complaint.
5. [RSP] and the investigator will identify matters that are clearly outside of the scope of the investigation. For instance, if during the course of investigating, allegations arise which cause the investigator to be concerned that a child may be in need of protection, the investigation must stop and the

investigator must immediately report the complaint and the information on which it is based to a CAS.

6. [RSP] will clarify with the investigator whether it wishes the investigation to be a pure fact-finding activity or whether it also requires recommendations or a legal conclusion (only if the investigator is a lawyer) to be included in the investigator's report.

### **Logistics for Witness Interviews**

7. The investigator, in consultation with [RSP], will decide on logistical issues relating to witness interviews including:
  - the location(s) of the interviews;
  - the order, dates and times of the interviews;
  - the method by which the interviews will be recorded (e.g., handwritten notes, computer, audio-recording);
  - the availability of support persons such as a diversity representative or a First Nations, Inuit or Métis community representative; and
  - the need for any special accommodations (e.g., translator, interpreter).

### **Additional Preparations:**

8. The investigator will review:
  - the complaint and any underlying documents (e.g. personnel records, resident files, logs, notes, e-mails);
  - [RSP]'s policies which are applicable to the situation, including the complaint and investigation policies and procedures;
  - legislation and MCYS and/or accreditation standards which are applicable to the situation; and
  - the collective agreement (if any) to determine if it requires the union's participation in any part of the investigation.
9. The investigator will discuss with [RSP] whether any interim measures have been or will be put in place pending the completion of the investigation (e.g. transferring a staff person, reassigning supervisory relationships, suspending an employee with pay pending investigation, offering EAP services to staff members).
10. The investigator will begin drafting questions or identifying subject areas to be explored with the parties and witnesses.
11. The investigator will assess whether any assistance is needed to conduct the investigation (e.g., an IT professional to recover or repair computer files, someone to take handwritten or computer notes of the interviews).

## Form 10-C – Investigation Planning

12. [RSP] will prepare a letter to 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.
13. The investigator will follow-up with a 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).
14. The investigator will provide the parties and witnesses with a copy of any applicable policies.
15. The investigator will resolve any potential issues with the support person chosen by a party or witness. The investigator will ensure that any special accommodation which is required by a party or witness is made available during their interview.
16. The investigator will put protocols in place to ensure that the investigation file is safely stored, either physically or electronically, or both.
17. The investigator will document the planning of the investigation using the Investigation Plan.

References: [Sample Investigation Plan, Form 11](#)

[Sample Introductory Letter to the Complainant, Form 12](#)

[Sample Introductory Letter to the Respondent, Form 13](#)

[Sample Introductory Letter to Witness, Form 14](#)