

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

A person who is asked to provide information or produce documents is required by law to do so. A witness interviewed by the Advocate's Office has a number of legal protections. For example, any statements given by the witness **cannot be used against them** in a later proceeding, including a criminal trial.

You may be required to provide personal information during the course of an investigation, even if the information would otherwise be protected by privacy or other legislation. All documents must be provided without redactions of personal information.

Unless the Advocate's Office determines that it is necessary to include personal information in the investigative report, the Advocate's Office will generally keep personal information confidential. **The identity or any identifying information about the child will not be published in an investigative report.**

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

The Advocate's Office may also refer any **misconduct** discovered in the course of an investigation to an appropriate authority. This referral applies to any officer or employee of the Ministry of Child and Youth Services, a children's aid society, a residential licensee, or another entity.



For more information on the Investigative Unit, please visit our website at:

www.provincialadvocate.on.ca/investigations

Or call us at:

416-325-5669 (local) or at
1-800-263-2841 (toll-free)

Provincial Advocate
for Children & Youth

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WHAT TO EXPECT FROM AN INVESTIGATION

**Office of the Provincial Advocate
for Children and Youth**
(The Advocate's Office)

Provincial Advocate
for Children & Youth

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, by contacting the Advocate's Office or the Investigative Unit. A matter requiring investigation may also come to the attention of the Advocate's Office through its other functions.

2

Intake and pre-investigation review

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 decides not to commence or continue an investigation, it will notify the person who filed the complaint.

3

Investigation notice

If the investigation proceeds, the Ministry of Child and Youth Services is contacted by the Director of investigations and subsequently notified of the Advocate's intention to investigate the matter. Other affected parties, i.e. a children's aid society or residential licensee, will also be notified by the Director of Investigations.

4

Investigation process

The Investigative Unit will then carry out an investigation of the matter, which generally includes: The Investigative Team meeting with the affected agency to discuss the investigation process and address preliminary questions.

Investigators reviewing the case and gathering documents and other information relevant to the investigation. Interviews are held with affected and/or concerned parties, and any others with knowledge of the issues.

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 set out in the legislation, the Investigative Unit will give the affected party the opportunity to respond to the report or recommendations. A draft report may be shared or partially shared with affected parties for comment before it is finalized.

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 not contain any information which identifies a child or young person.

6

Progress reports

The Advocate may seek a progress report on its recommendations from affected agencies. Based on the information provided, the Advocate may decide whether to send a copy of the progress report to the Premier and Legislative Assembly.

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

The Advocate is an independent officer of the Ontario Legislative Assembly whose mandate includes conducting investigations and making recommendations to improve the services provided to children by a children's aid society or residential licensee.

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 may be found on our website.

www.provincialadvocate.on.ca/investigations

What happens during an interview?

The Investigative Unit will generally carry out a recorded interview or a witness under oath. The interview recordings are the property of the Advocate's Office and will be stored securely.

The Investigative Unit may issue a summons or make arrangements for a voluntary interview, which will be carried out at the Advocate's Office or some other location.

You may be required to or may choose to bring documents with you to the interview. If you are required to bring documents, the investigative Unit will identify these documents in advance.

Interviews are carried out in private and are not open to the public. You are permitted to have a lawyer attend with you at the interview. If appropriate and arranged in advance, you may be 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 by:

1. Providing information

You may be required to provide information to the Investigative Unit, in meetings and/or telephone calls.

3. Participating in an interview

You may be required to attend a private interview as a witness to give evidence under oath.

2. Producing documents

You may be required to identify and produce any documents in your possession that may relate to the investigation.

