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November 30, 2011

Members of City Council

**Re: Toronto Ombudsman Report – November, 2011  
An Investigation into Children’s Services’ Appeal Process, Investigation  
Process and Record Keeping Practices**

I am writing to address the Ombudsman’s Investigation into Children’s Services pertaining to the Division’s appeal and investigation processes, record keeping practices and communications. The investigation was prompted by a complaint received by the Ombudsman’s office regarding a claim related to the unfair withdrawal of a family’s subsidy and the Division’s request to recover approximately \$23,000 for a period of ineligibility.

Children’s Services is committed to the delivery of high quality service and is focused on improving administrative processes by adhering to all of the Ombudsman’s recommendations, as outlined in the report. The General Manager of Children’s Services has already implemented changes to address a number of the issues identified and all recommendations will be fully implemented by March 2012. In addition, the General Manager will ensure that recommendations and established processes and policies are followed on a continued basis through ongoing reviews and staff training.

Children's Services staff understands that by implementing these recommendations, they will strengthen the division's internal systems and customer service. The Division is addressing recommendations as follows:

1. That Children's Services Division (CSD) ensures there are comprehensive policies and processes put in place for the Appeals Committee:
  - i. Effective immediately, an appellant will be sent an explanation in writing from the Client Liaison Consultant (CLC), confirming that his or her appeal will not proceed, with supporting rationale. This practice was put in place in September 2012.
  - ii. The rules for processing appeal requests and the role of the CLC will be clarified in the CSD Fee Subsidy manual and communicated to appropriate staff.

- iii. Follow-up will be conducted to ensure policy clarification and clear documentation and communication to staff pertaining to the relationship and sequencing between internal investigations and the appeal process. Appropriate documentation will be included in CSD reference manuals on Fee Subsidy and Risk Management.
  - iv. The CLC will ensure that all relevant documents pertaining to appeals are clearly identified in the appeal summary and are scanned. Committee members will undertake to review attachments received with each appeal to ensure that they support the appeal summary.
  - v. The Appeal Committee will meet to establish clear criteria for the reconsideration of appeals. In addition, at a recent meeting the Appeals Committee agreed that the CLC will arrange quarterly meetings of the Committee to monitor trends, resolve issues, and identify areas for improvement.
  - vi. Criteria will be established for holding in-person hearings with appellants. In addition, the Committee will hold in-person meetings with clients who are appealing to have recoveries waived when funds owed are in excess of \$10,000. The established criteria will be documented in the CSD Fee Subsidy manual. In addition, the role of the CLC in the review of appeals related to recoveries will be undertaken prior to March 1, 2012.
  - vii. CLC will report directly to the General Manager of Children's Services when Committee members have not responded to appeals within a reasonable time frame. Also, two alternative Committee members have been designated to replace absent members and a third alternate member will be recruited prior to March 1, 2012.
2. The CLC position will be accurately described and communicated to the public, in Divisional publications and on the web site.
  3. The CLC will ensure that all correspondence related to the appeal process and communicating of appeal decisions will be clearly and accurately described on the CSD web site and in appropriate Divisional publications, including the booklet for parents: "Child Care Fee Subsidy: What you should know."

Appeal Committee decision letters have been appropriately revised by CLC and no longer suggest that the Committee met in person. It now states that "client issue/(s) has/have been reviewed by the Committee". Additional details outlining reasons for denials will also be provided in those cases where an appeal is denied.

4. Additional information related to the withdrawal without notice policy will be provided to parents to ensure that they understand financial implications related to withdrawing from a child care program without providing sufficient notice of withdrawal.

CSD will ensure that the notice period is not considered in calculating recoveries owed by clients. However, the 2 week notice period is required by child care

operators and is often in lieu of the initial deposit that clients are required to pay to the operator. The City is unable to pay the deposit on behalf of a client, as per provincial directive. Therefore, a client is obligated to pay a child care operator directly for costs not covered by the City.

5. CSD will develop a policy related to recoveries owed by low income families and will communicate that policy to staff.
6. CSD Billing Unit has updated their correspondence template to clearly indicate the option of a payment plan available to parents, prior to referring a matter to Legal Services.
7. That CSD develop record-keeping protocols including the following:
  - i. A document-receipt protocol: This was implemented prior to completion of the Ombudsman's investigation by CSD to confirm receipt of documents submitted by clients. Staff are receiving appropriate training related to this process. Also, CSD will conduct a review of staffing and customer service issues at triage counters, with a focus on identifying and implementing improvements.
  - ii. A procedure for saving all correspondence to clients: CSD will scan and save all correspondence to client files.
  - iii. A requirement to record all case-related communication – all case-related communication will be recorded in client file under file "remarks" and communication to staff will be issued to remind them of the importance of adherence to this procedure.
  - iv. A protocol to deal with claims of lost documents, which will include the need for claims of lost documents to be reported to a supervisor: CSD will develop a protocol pertaining to claims of lost documents and will provide training to staff.
  - v. A requirement that Risk Management record its relevant investigative communications: As noted under the response to Recommendation #9, training will be provided and the Risk Management and the policies and procedure manual will be finalized.
8. The implementation of the above will be completed and reported back to the Office of the Ombudsman by March 1, 2012.
9. That appropriate skills development and training be investigated and provided to all incumbents of positions related to the investigative and appeals process.

Investigation of appropriate training options for those conducting investigations is underway. CSD is consulting with the City's Internal Auditor and with Toronto Employment and Social Services on related training opportunities, staffing requirements, structural options for the unit and required policies and procedures. Training is planned to be completed prior to the end of 2012, with ongoing training requirements to be identified and captured in the CSD training database where

Position Training profiles are maintained and tracked. This training will include the writing of proper investigative reports and conclusions. Reports will be reviewed by trained supervisory personnel prior to sign off.

A review of the Risk Management unit's structure and staffing is underway to ensure alignment with divisional and corporate objectives. The Risk Management Reference Manual, which is currently in draft format, will then be finalized to ensure clear documentation of policies and procedures.

In addition, clarification surrounding wording to be used will be provided relating to regular investigations and those where fraudulent actions by a client are suspect.

10. The General Manager of CSD has provided Mr. K with a letter of apology.
11. The Complainant's case will be reviewed by CSD to ensure a fair resolution.

It is important to note that the Children's Services Appeal Committee currently reviews well over 800 appeals annually. Most appeals are based on issues related to eligibility for child care fee subsidy and requests for priority admissions. Subsidy spaces are extremely limited and subsidy is allocated based on the division's first come, first served waiting list. The majority of appeals reviewed by the Appeal Committee are approved for priority admissions to support children with severe developmental delays and those children and families in the City of Toronto who are considered to be at high risk and the most vulnerable.

Once again, I wish to assure you that the Children's Services Division is committed to customer service excellence, as all Toronto Public Service staff. I am confident that by recognizing the need for change and working diligently on improving identified issues, the City's goal of improving customer service for Toronto residents will be achieved.

Yours truly,

Joseph P. Pennachetti  
City Manager

c: Brenda Patterson, Deputy City Manager  
Elaine Baxter-Trahair, General Manager, Children's Services