Reporting of Suspected Wrongdoing (Whistleblowing)

Audit Committee – September 28, 2021

Toronto District School Board

REFERENCES

- **Appendix A**
  - Policy P066 Reporting Of Suspected Wrongdoing (Whistleblowing)
- **Appendix B**
  - Operational Procedure PR710 Reporting Of Suspected Wrongdoing (Whistleblowing)
- **Appendix C**
  - Screen shots from ***IntegrityCounts*** website related to filing a whistleblowing report

POLICY P066 – REPORTING OF SUSPECTED WRONGDOING (WHISTLEBLOWING)

- *The Open Communications Policy* (PO66) was revised to reflect public's request for a whistleblower policy at the TDSB
- On June 17, 2016 Board approved the revision of PO66 and renamed the policy *Reporting of Suspected Wrongdoing (Whistleblowing) Policy*
- The Policy lead to the introduction of a reporting system that:
  - could be used by anyone to raise concerns about suspected wrongdoing of a TDSB employee;
  - ensured protection against reprisals related to the reporting of suspected wrongdoing; and
  - complemented a number of policies and procedures in existence to identify and prevent improper professional activities.

POLICY P066 – REPORTING OF SUSPECTED WRONGDOING (WHISTLEBLOWING)

4.11 Reporting suspected wrongdoing:

A person may submit information related to a suspected wrongdoing by an employee to an external third party through one of the following methods: designated email account, voice mail line or mail address

REPORTING WRONGDOING

Wrongdoing means**:**

- a contravention of a federal/provincial act/regulation
- an act/omission that creates danger to life, health, or safety of persons/environment;
- mismanagement inconsistent with laws, regulations, & Board policies;
- financial fraud;
- time theft;
- deliberate non-compliance with Board policies and procedures; and
- directing/counseling a person to commit any of the above.

INVESTIGATION OF SUSPECTED WRONGDOING

a) The Executive Superintendent, Employee Services, the Director of Education, and the Chair of the Board, as appropriate, ("Parties Overseeing Investigation") shall initiate investigation of reports of suspected wrongdoing that have been determined as warranted investigation.

b) The Parties Overseeing Investigation will assess the reports of suspected wrongdoing to determine initially if the complaint falls under the definition of wrongdoing. The Parties Overseeing Investigation may determine that an investigation will not proceed (refer to Operational Procedure PR710 pg. 4 for specifics)

c) The Executive Superintendent, Employee Services, may engage the services of internal staff and/or external resources, as appropriate, to investigate the suspected wrongdoing by Board employees (other than Senior Team members).

INVESTIGATION OF SUSPECTED WRONGDOING

d) The Director of Education shall engage an independent external investigator with regard to complaints involving Executives reporting directly to the Director of Education if it is determined that the report is warranted investigation. The Director of Education may engage the services of internal staff and/or external resources, as appropriate, to investigate the suspected wrongdoing involving other members of the Senior Team.

e) The Chair of the Board shall engage an independent external investigator with regard to complaints involving the Director of Education if it is determined that the report is warranted investigation. The external investigator will be provided by the TDSB through the General Counsel. The General Counsel will not participate in the investigation.

WHISTLEBLOWING
EXTERNAL THIRD PARTY

- External third party **-** *WhistleBlower Security Inc.*
- The case management system is called ***IntegrityCounts*** and it allows people to confidentially report wrongdoing by way of hotline calls, email, fax or through a web-based application;
- The service includes a 24/7/365 bilingual hotline service and has interpretation capabilities in up to 220 languages;
- The ***IntegrityCounts*** system went live in TDSB on October 31, 2016.

WHISTLEBLOWING ON THE TDSB WEB

The Whistleblowing contact info is on the TDSB public website and TDSB intranet and includes:

- Links to the TDSB Whistleblowing Policy and Procedures;
- Denotes that anyone can report suspected wrongdoing i.e.. Trustees, employees, permit holders, volunteers, students, parents/guardians and the general public;
- Outlines how a whistleblowing report can be filed;
- Lists methods to file a whistleblowing report i.e. web address, toll free number, and email address;
- Addresses questions about submitting a report anonymously;
- Lists the types of suspected wrongdoing that should be reported.

PROCESS TO FILE A WHISTLEBLOWING REPORT

When filing a whistleblowing report:

- The individual submitting the whistleblowing report must first agree to the Terms of Service to proceed;

- The first screen asks the individual submitting the whistleblowing report for details about location of the incident, date of the incident etc;

- The individual submitting the whistleblowing report then selects from three levels of confidentiality:
  - Strictly Confidential
  - Confidential to your Organization
  - Contact Information Provided

LEVELS OF CONFIDENTIALITY

- **Strictly Confidential** – gives the individual submitting the whistleblowing report the highest level of anonymity and protection. If a person clicks this option, his/her identity will not be known by either TDSB, nor to *WhistleBlower Security*. In this case, the individual submitting the whistleblowing report is completely confidential.

- **Confidential to your Organization** – by checking this option, the system will request contact information from the individual submitting the whistleblowing report and will share the contact information with *WhistleBlower Security* only, but not with the TDSB.

LEVELS OF CONFIDENTIALITY

Contact Information Provided–when the individual submitting the whistleblowing report chooses this option, both TDSB and *WhistleBlower Security* will be notified about the incident and the contact information of the individual submitting the whistleblowing report. This means that TDSB might have a representative contact the individual submitting the whistleblowing report directly to resolve the issue.

CASE SUMMARY

*Describe the case

Describe your case here

*Who is involved in the case?

List who is involved here

Has the case been reported to a supervisor in the past? ○ Yes ◉ No

Are you a current employee? ◉ Yes ○ No

ADDITIONAL INFORMATION

*Has this case been referred to any one outside the organization, such as Police, Media, or Government Agency? ○ Yes ◉ No

If you have any additional comments to provide, communicate them here:

Any additional information?

Please select applicable case type(s)

- [x] Breach of Legal Obligations
- [x] Conflict of Interest
- [x] Criminal Activity
- [ ] Financial Reporting and Accounting
- [ ] Fraud and Embezzlement

Enter Case Type if it's not included...

ADD FURTHER DETAILS SUBMIT

OUTCOME OF AN INVESTIGATION

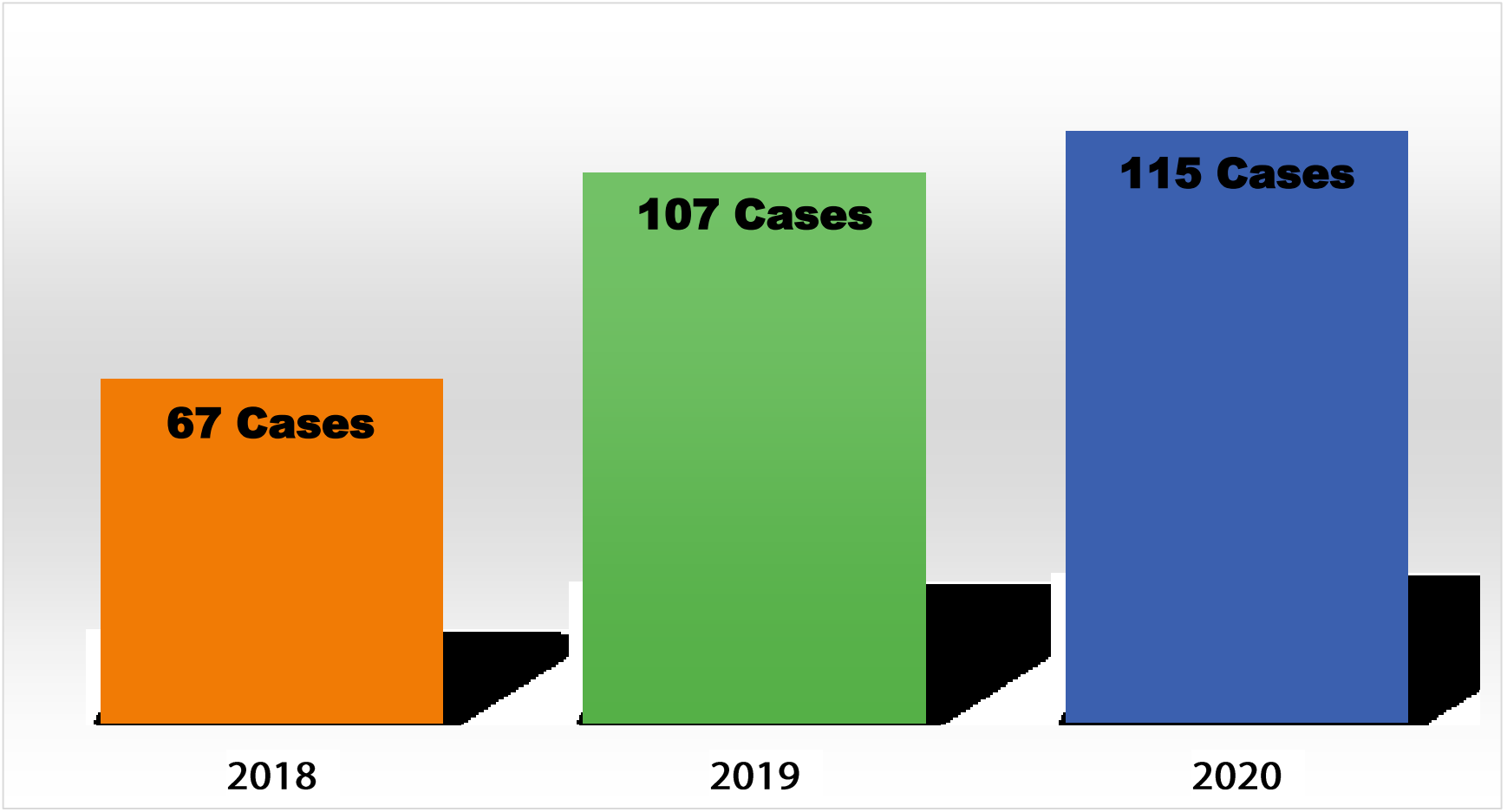
(a) If a wrongdoing is confirmed by the investigation, appropriate disciplinary action shall be taken, up to and including termination of employment.

(b) In the event of criminal conduct, the police shall be notified immediately.

(c) Subject to the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the Parties Overseeing Investigation will notify the person who filed the report (unless it was anonymous) of the manner in which the complaint was addressed (see Section 6.3 of Operational Procedure 710 for more details)

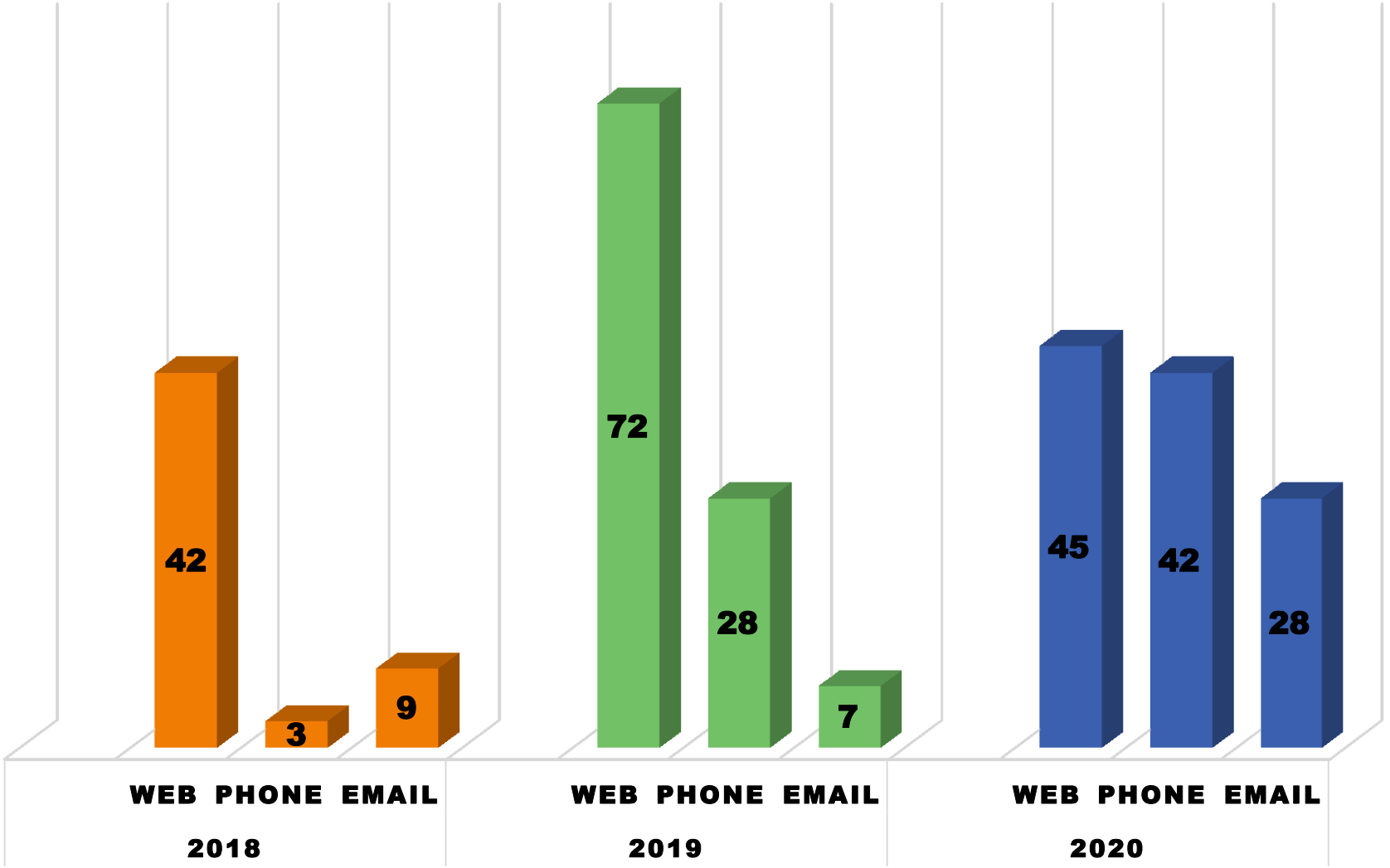
NUMBER OF WHISTLEBLOWING CASES

These graphs demonstrate the number of cases each year for 2018, 2019 & 2020



Number of Cases By Method of Reportin

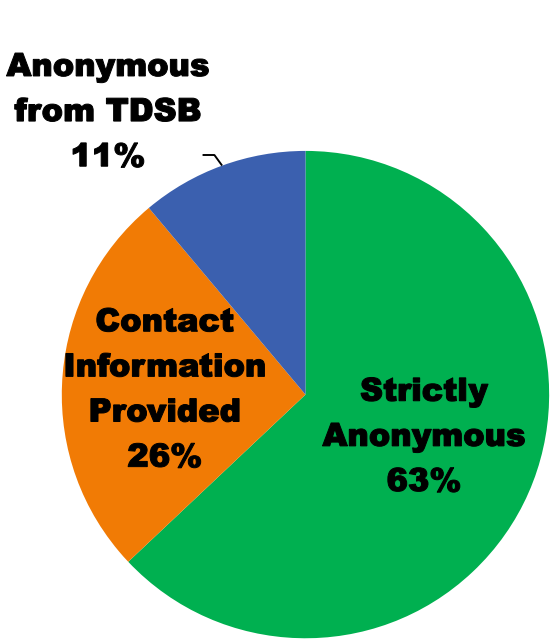
These graphs demonstrate the number of cases for each method of reporting for 2018, 2019 & 2020



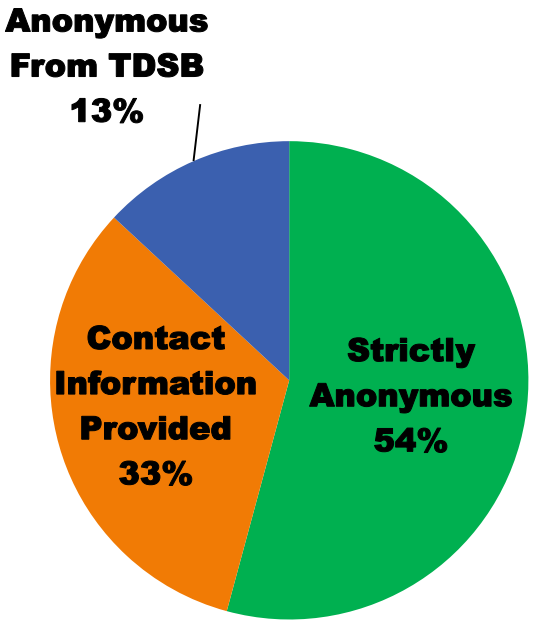
Number of Cases By Level of Anonymity

These graphs demonstrate the number of reported cases for each of the confidentiality options and identifies their percentage of all cases reported in 2018, 2019 and 2020

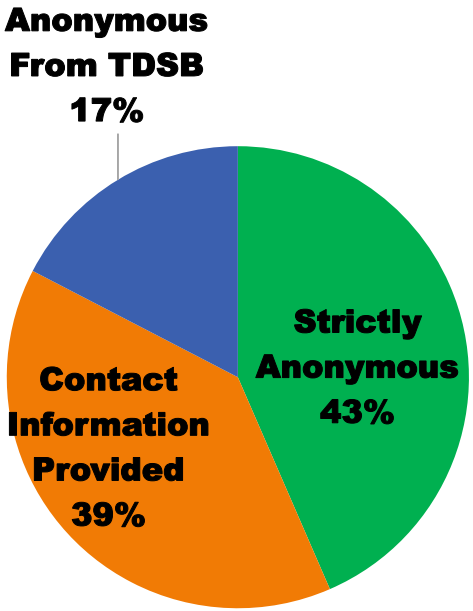
2018



2019



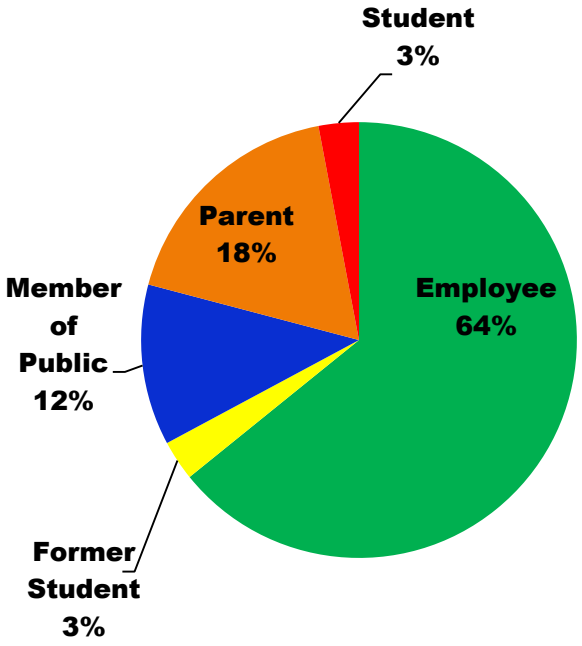
2020



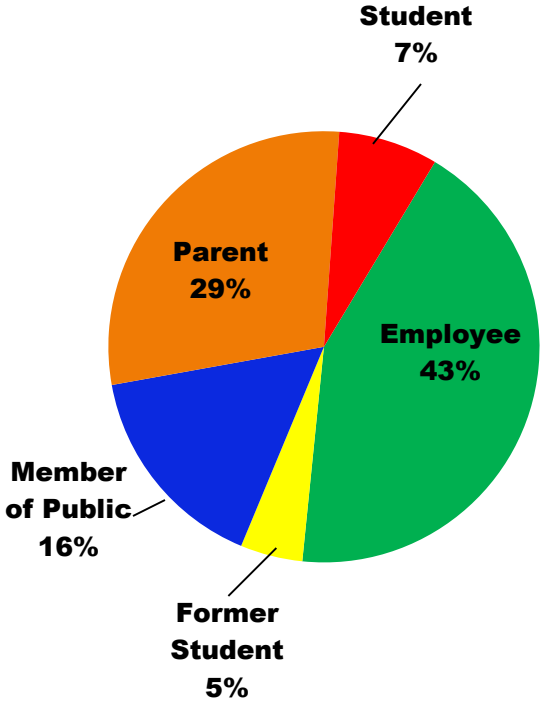
Number of Cases Reported By Source

These graphs demonstrate the number of reported cases by each information source and identifies the percentage of all cases reported for each of the calendar years 2018, 2019 and 2020

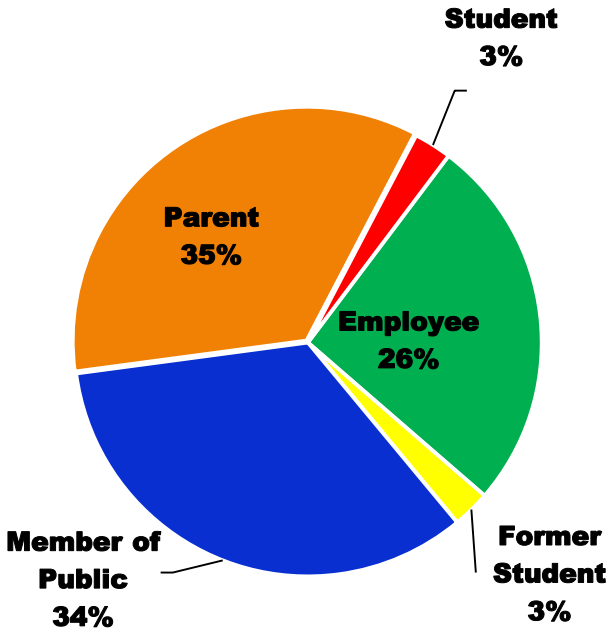
2018



2019



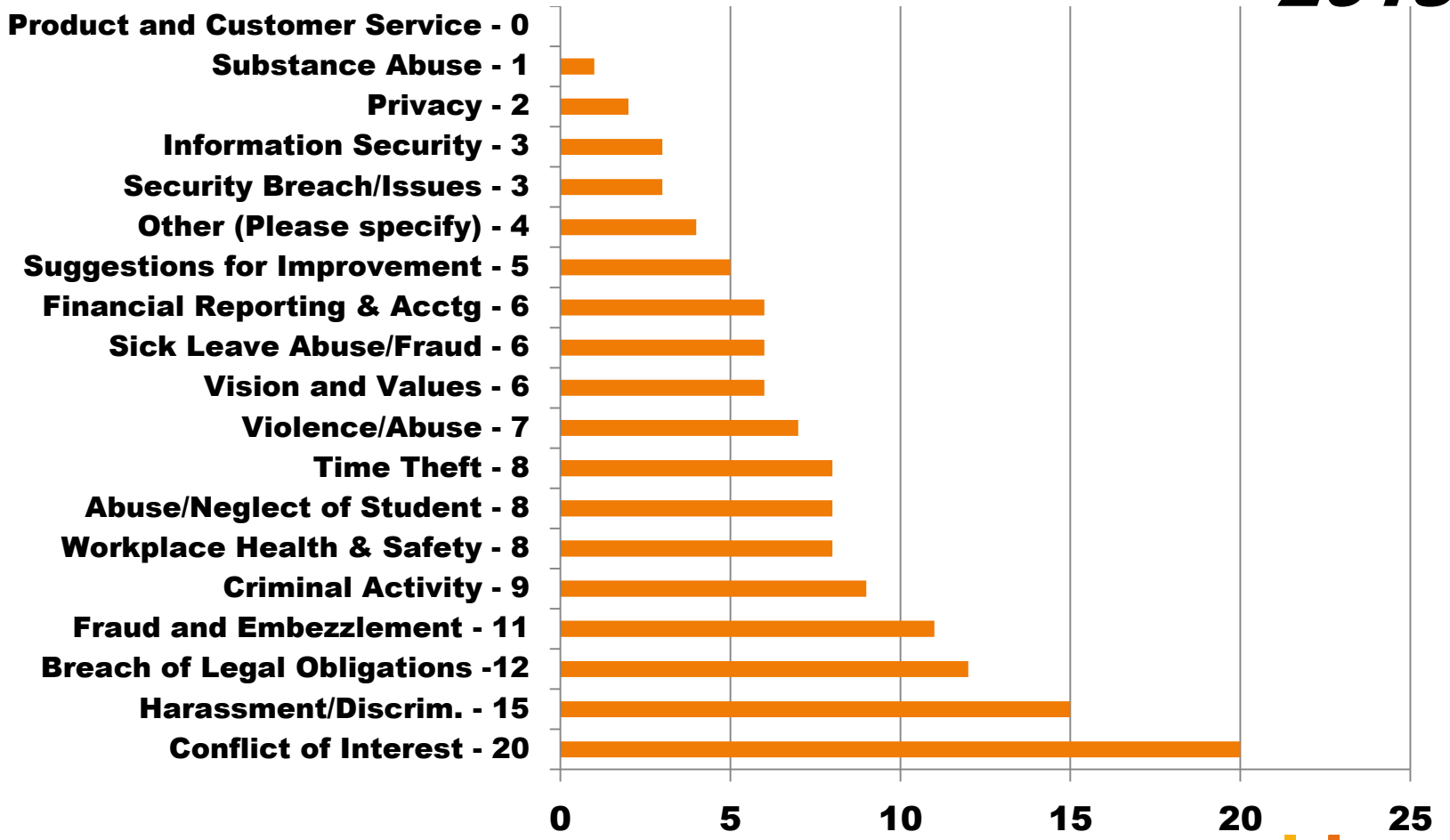
2020



Number of Cases By Type of Wrongdoing

(the person filing the report *can select up to 3 types of wrongdoing)*

2018



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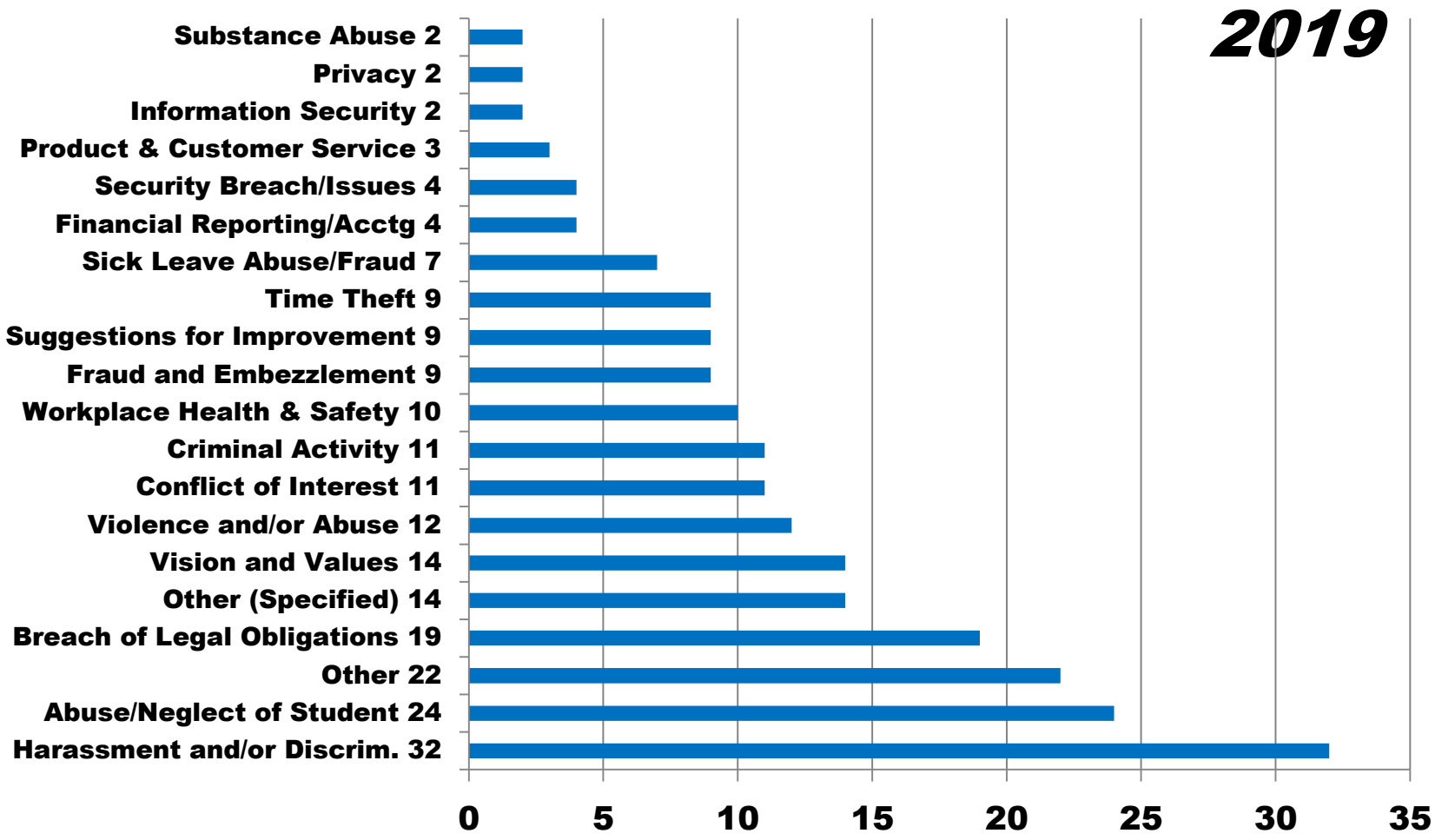

Number of Cases By Type of Wrongdoing

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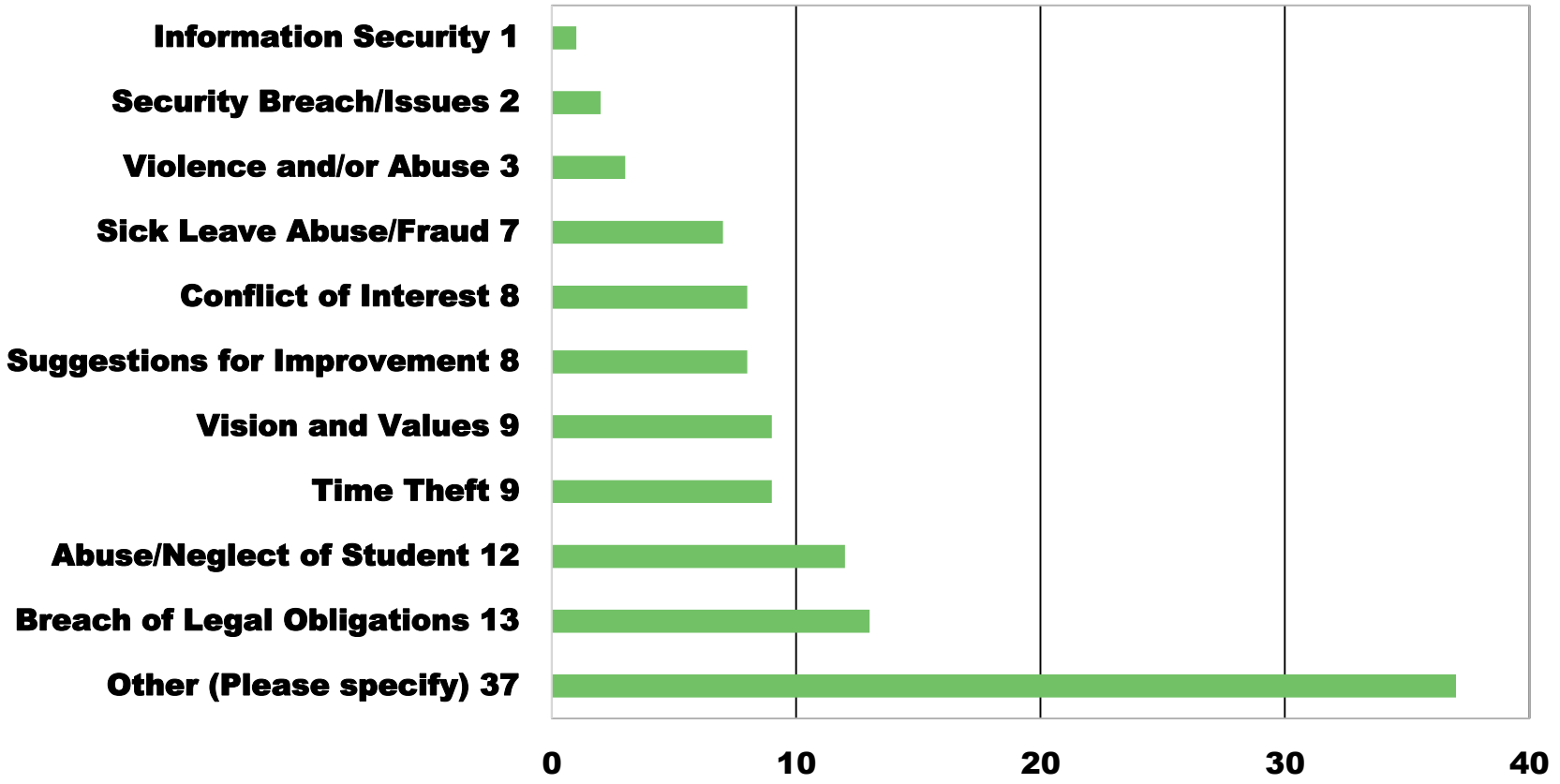
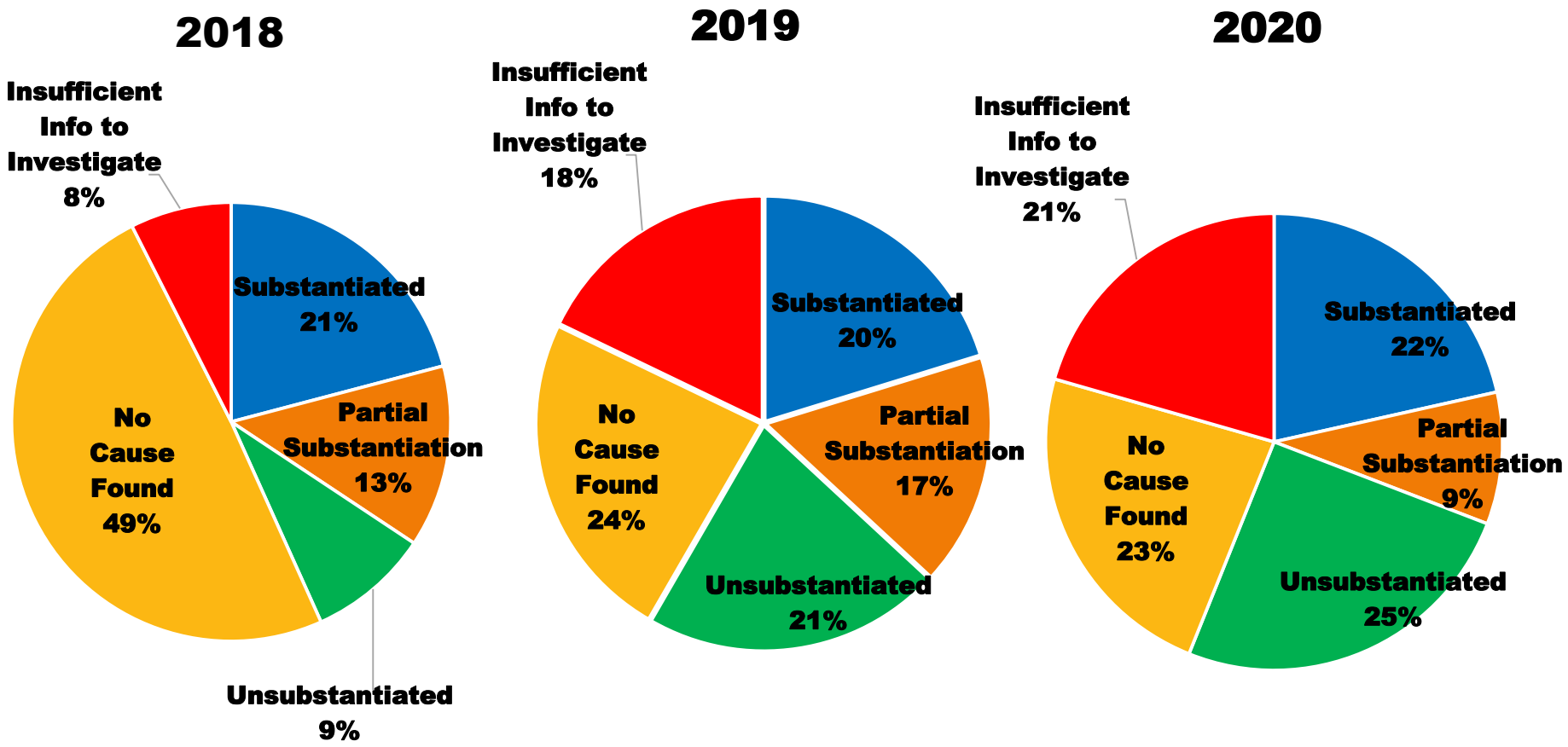
2020



Number of Cases By Report Validation

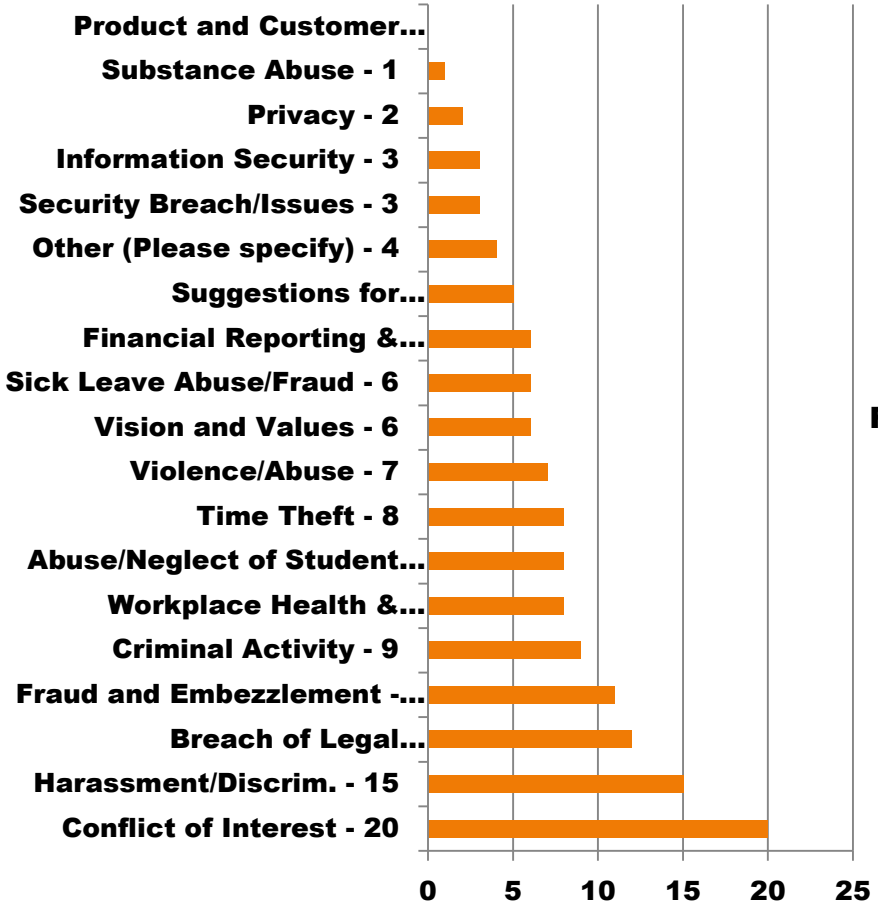
These graphs demonstrate the number of reported cases by their validation status for the years 2018, 2019 and 2020



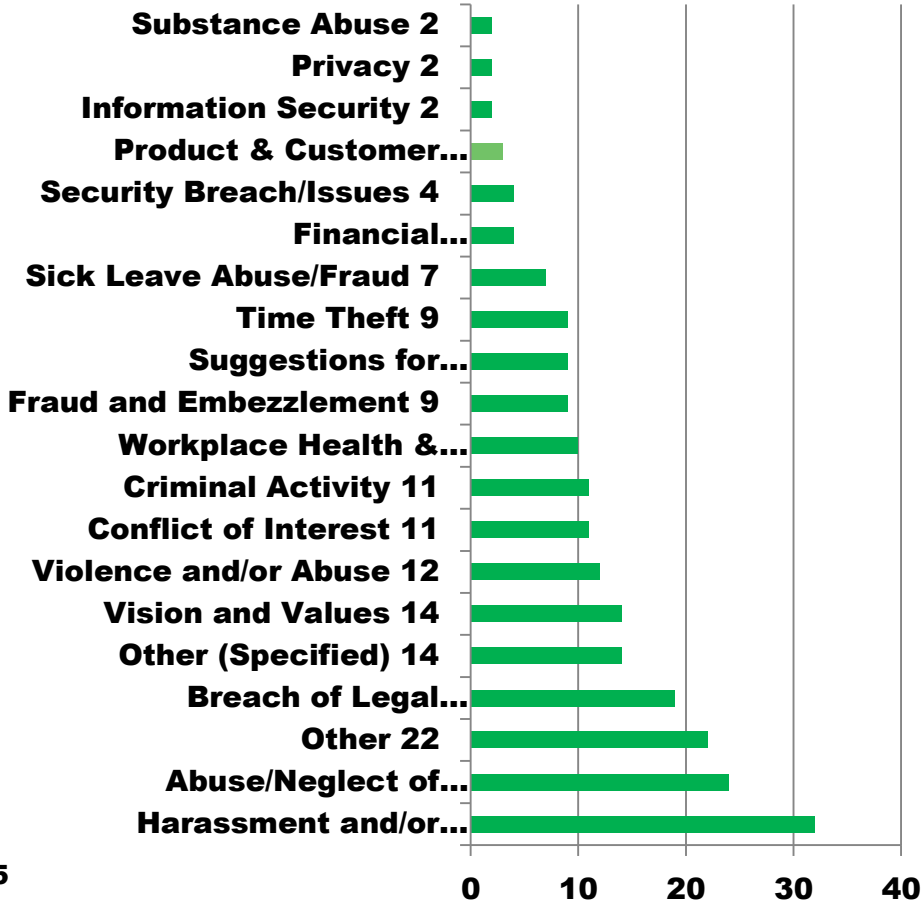
Number of Cases by Type that were Substantiated

These graphs demonstrate the type of cases investigated & substantiated for each of the calendar years 2018 & 2019

2018

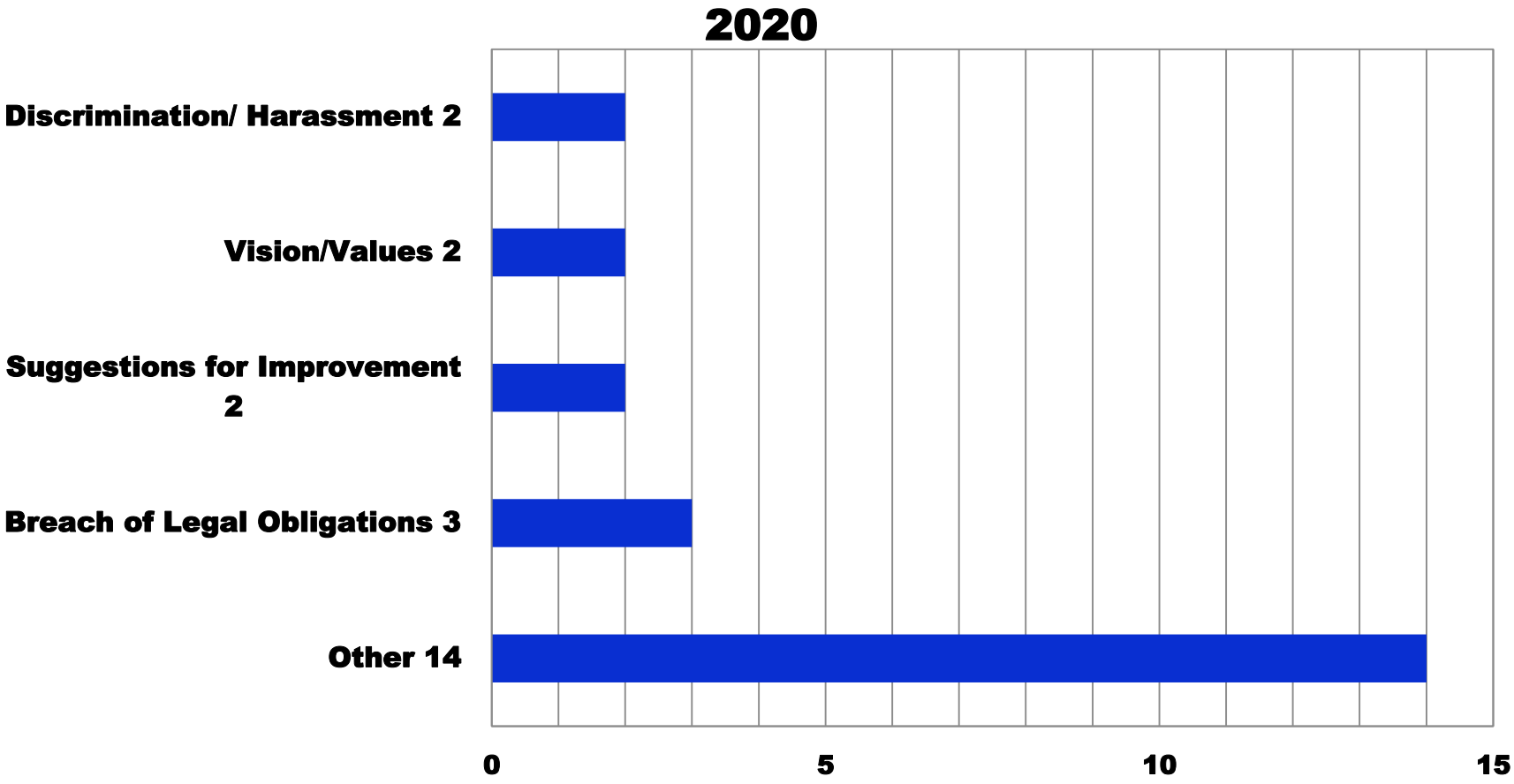


2019



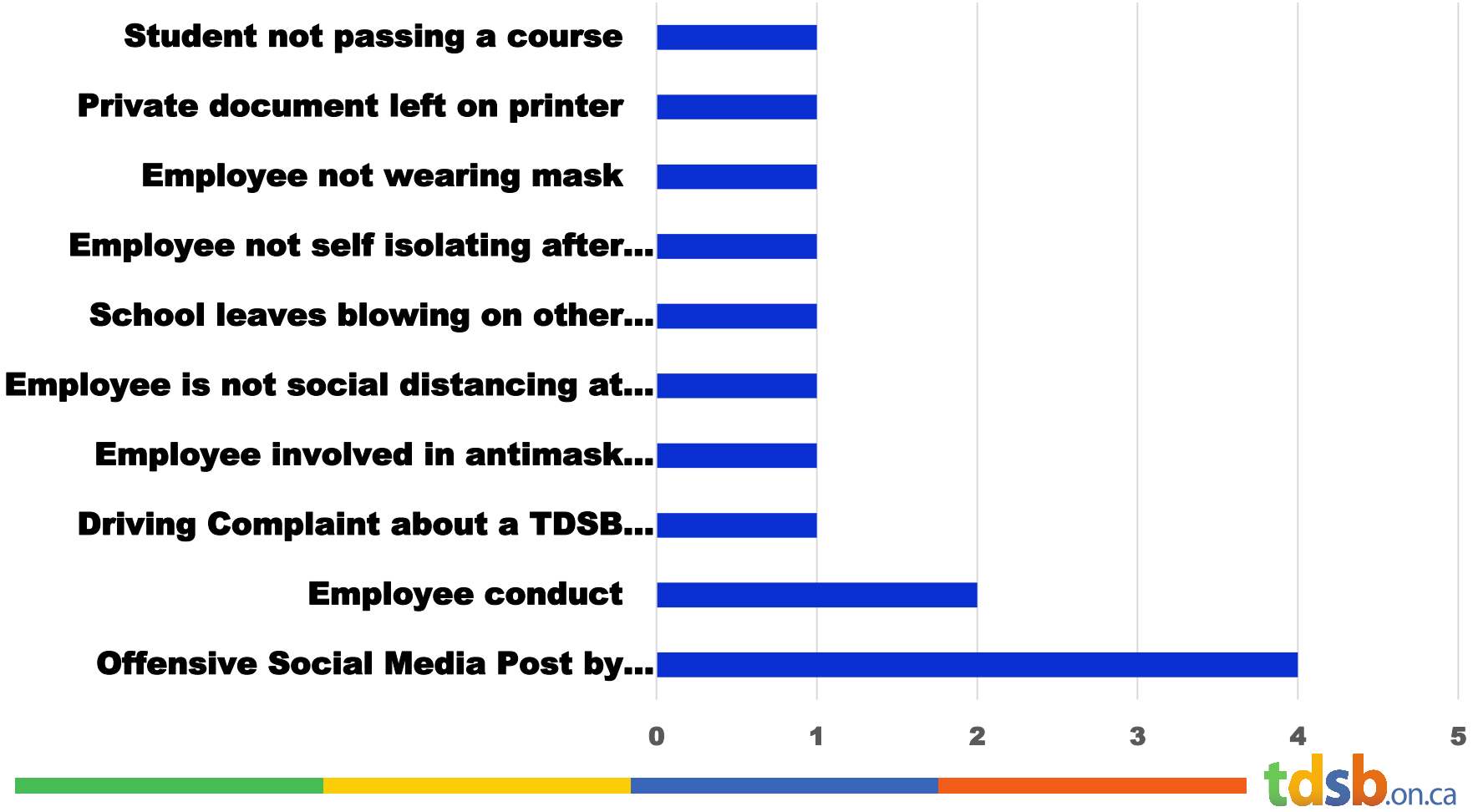
Number of Cases by Type that were Substantiated

This graph demonstrates the type of cases investigated & substantiated for the calendar year 2020



Break Down of Substantiated “Other” Complaints 2020

This graph demonstrates the “other” cases that have been investigated & substantiated for the calendar year 2020

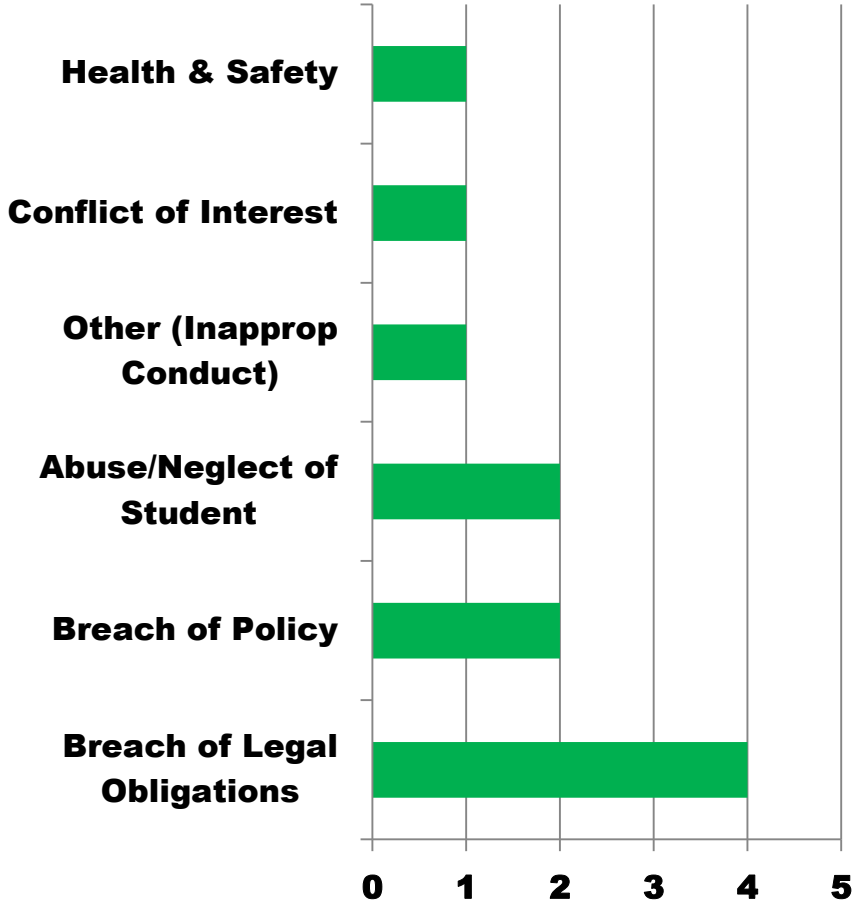


Number of Cases by Type that were Partially Substantiate

These graphs demonstrate the type of cases that have been investigated & partially substantiated for each of the calendar years 2018 & 2019

2018

2019



Number of Cases by Type that were Partially Substantiated

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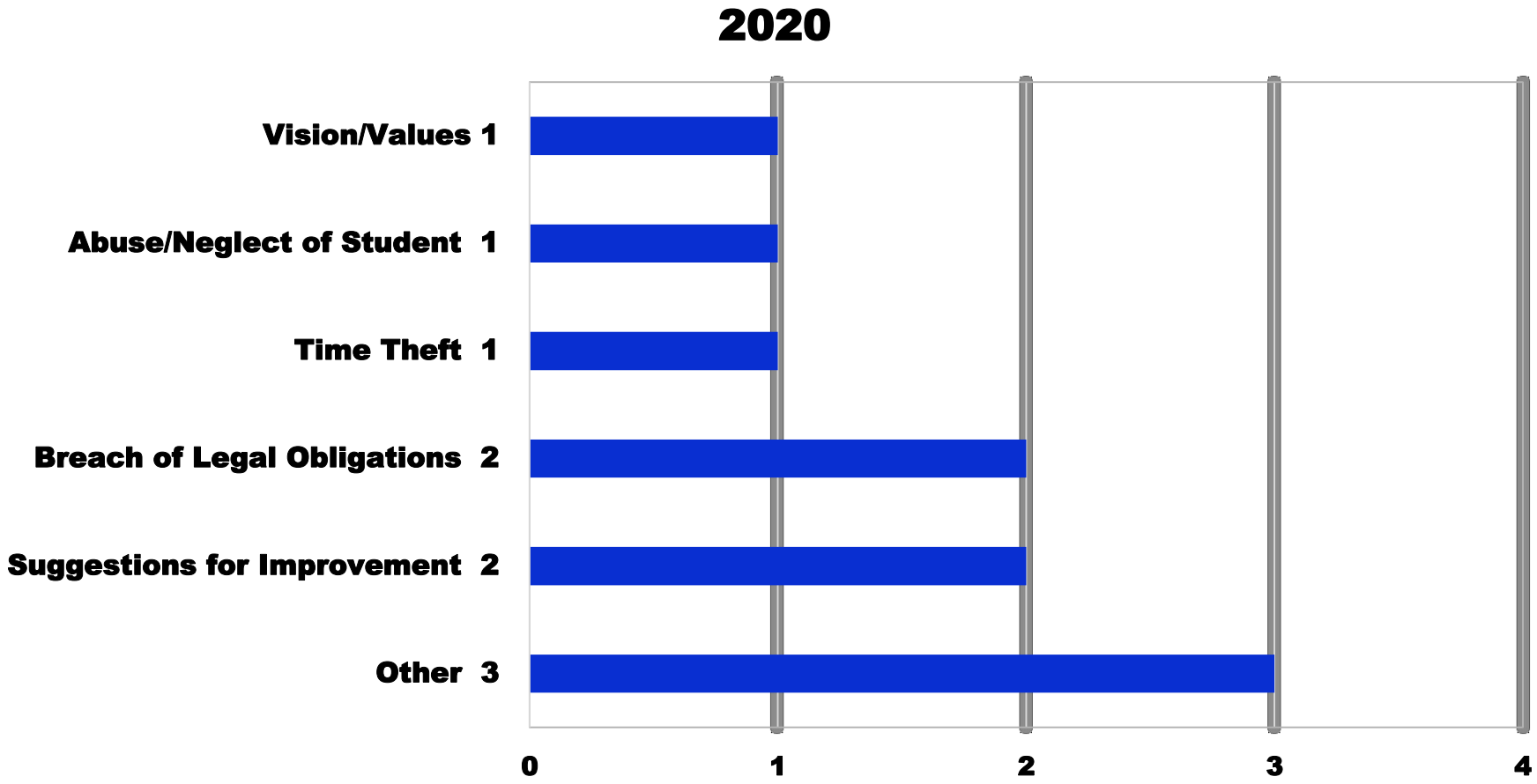
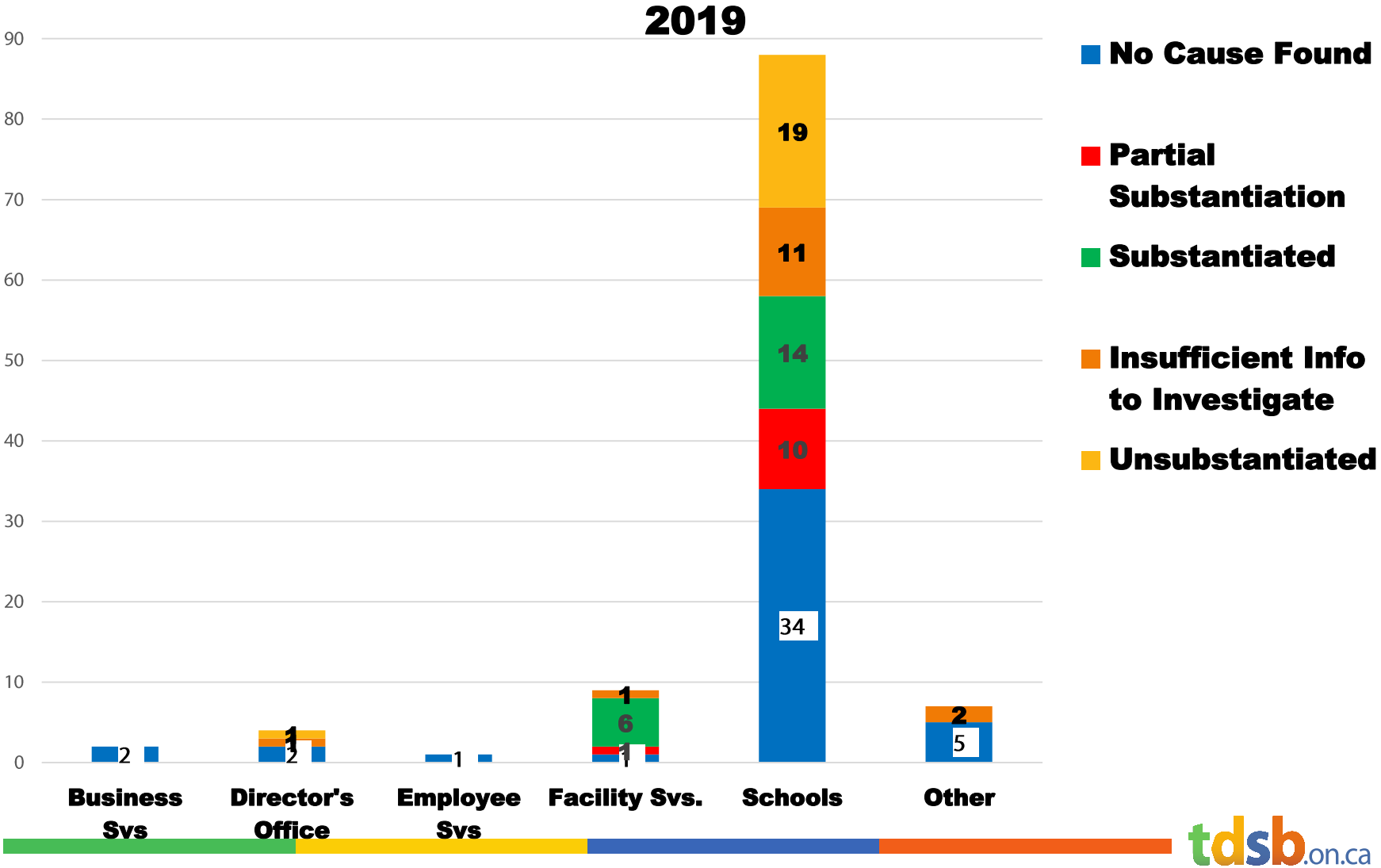


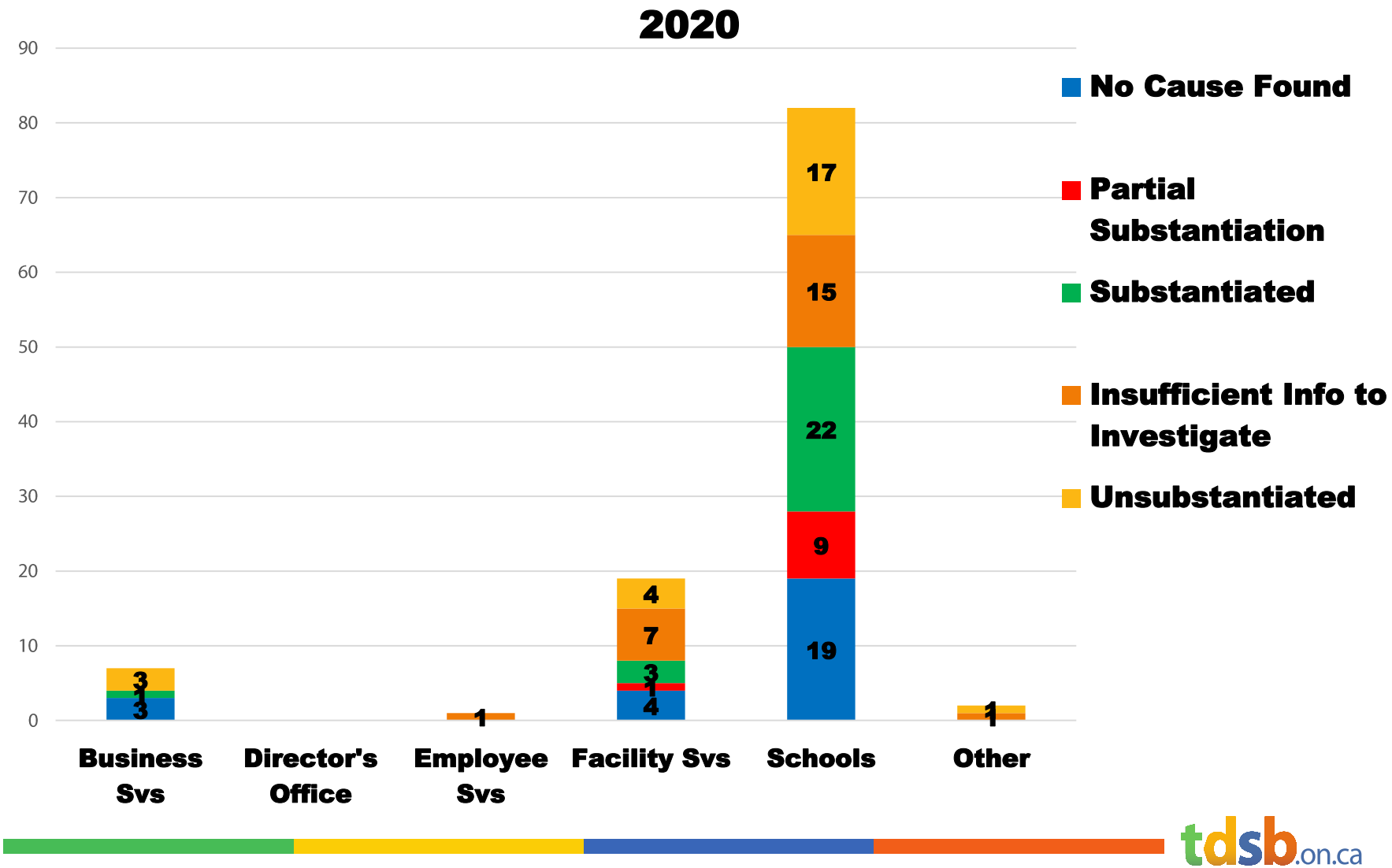
Number of Cases by Report Validation within Location

This graph demonstrates the number of reported cases by their validation status within a location for the calendar year 2019



Number of Cases by Report Validation within Location

This graph demonstrates the number of reported cases by their validation status within a location for the calendar year 2020



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