





# ACCOUNTABILITY WITHIN THE CHILD AND YOUTH SERVICE SECTOR

The Ministry of Children, Community and Social Services strives to provide individuals with timely, appropriate, and high-quality services under the *Child, Youth and Family Services Act, 2017* (CYFSA).





To promote the accountability of service providers in the child and youth services sector, there are agencies/organizations in Ontario that:

- Monitor how children, young persons and families receive services under the CYFSA;

- Accept and investigate complaints, applications, and claims that flag concerns with the manner in which services were provided;
- Adjudicate issues, initiate inquests, and conduct hearings and reviews as necessary;
- Provide independent legal representation to children in certain matters under the CYFSA; and
- Publish reports and make recommendations to support the safety and well-being of children and young persons.

AGENCY/ORGANIZATION	MANDATE	POWERS	ACCOUNTABILITY
 <p><b>Child and Family Services Review Board</b></p>	<p>The Child and Family Services Review Board (CFSRB) conducts reviews, hearings, and appeals on a number of matters that affect children, youth and families in Ontario. The CFSRB holds mediations in some cases to assist parties to reach an agreement.</p>	<p>Under the <i>Child, Youth and Family Services Act, 2017</i> (CYFSA), the CFSRB can review: a children's aid society's decision to remove a child in extended society care from a foster home where the child has lived continuously for two or more years; certain complaints related to services sought or received from children's aid societies; residential placements of children in care; emergency admission of a child to a secure treatment program; and decisions to refuse to place a child for adoption, to impose a term or condition on an adoption, or to remove a child from an adoption placement. The CFSRB also reviews appeals of a school board expulsion decision under the <i>Education Act</i>.</p>	<p>The CFSRB operates under the jurisdiction of the CYFSA, the <i>Education Act</i> and the <i>Intercountry Adoption Act</i>.</p> <p>The CFSRB is one of the 19 tribunals that form Tribunals Ontario.</p>
 <p><b>Consent and Capacity Board</b></p>	<p>The Consent and Capacity Board (CCB) is an independent provincial tribunal that adjudicates consent and capacity issues, balancing the rights of vulnerable individuals with public safety.</p>	<p>The CCB's key areas of activity are the adjudication of matters of capacity, consent, civil committal and substitute decision making. For example, the CCB has the authority under the <i>Mental Health Act</i> to hold hearings to review whether a young person (aged 12 to 15) requires observation, care and treatment in a psychiatric facility. Once Part X (Personal Information) of the CYFSA comes into force on January 1, 2020, the CCB will be granted new powers, including the ability to review matters regarding an individual's capacity to make decisions about the collection, use and disclosure of personal information by child and youth service providers.</p>	<p>The CCB is created under the <i>Health Care Consent Act</i> and receives its jurisdiction from that Act. It adjudicates under the <i>Health Care Consent Act</i>, the <i>Mental Health Act</i>, the <i>Substitute Decisions Act</i>, the <i>Personal Health Information Protection Act</i>, the <i>Mandatory Blood Testing Act</i>, and the CYFSA (beginning January 2020). The Chair of the CCB is accountable to the Minister of Health.</p>
 <p><b>Custody Review Board</b></p>	<p>The Custody Review Board (CRB) reviews placement decisions regarding young persons being held in detention or custody upon receipt of an application and makes recommendations to the Provincial Director regarding the placement of young persons.</p>	<p>The CRB hears applications from young persons (charged with an offence that occurred when they were under the age of 18) for:</p> <ul style="list-style-type: none"> <li>• a review of the youth justice placement where they are being held or transferred to;</li> <li>• a review of a transfer from a place of open custody to a place of secure custody; and/or</li> <li>• a review of a decision by the Provincial Director to deny a request for a temporary release or reintegration leave from a custody facility.</li> </ul>	<p>The CRB's mandate falls under the CYFSA and the <i>Youth Criminal Justice Act</i>. Section 152 of the CYFSA provides the CRB with the authority to conduct reviews requested by youth in custody or detention.</p> <p>The CRB is one of the 19 tribunals that form Tribunals Ontario.</p>
 <p><b>Human Rights Tribunal of Ontario</b></p>	<p>The Human Rights Tribunal of Ontario (HRTO) resolves claims of discrimination and harassment brought under the <i>Human Rights Code</i>.</p>	<p>An individual may apply to the HRTO if they believe that they have been discriminated against in certain areas (which would include being provided with services under the CYFSA) contrary to the <i>Human Rights Code</i>. The HRTO first offers parties the opportunity to resolve the dispute through mediation. If mediation is declined or the matter does not resolve the application, a hearing is held.</p>	<p>The HRTO is established under the <i>Human Rights Code</i>.</p> <p>The HRTO is one of the 19 tribunals that form Tribunals Ontario.</p>

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AGENCY/ORGANIZATION	MANDATE	POWERS	ACCOUNTABILITY
 <p><b>Information and Privacy Commissioner</b></p>	<p>The Information and Privacy Commissioner (IPC) provides oversight of Ontario's access and privacy laws that establish the rules for how Ontario's public institutions and health care providers may collect, use, and disclose personal information.</p>	<p>The IPC is responsible for administering and enforcing access and privacy rules under Part X (Personal Information) of the CYFSA. As of January 1, 2020, if a service provider denies an individual's request to access or make corrections to their personal information, they will be able to file a complaint with the IPC. Individuals will also be able to file a privacy complaint with the IPC if they believe a service provider has improperly collected, used or disclosed their personal information or failed to comply with any requirement in Part X. In response to complaints, or on its own initiative, the IPC may choose to conduct a review of any matter involving a possible contravention of Part X. The IPC promotes early resolution of complaints, which can include mediation.</p>	<p>The IPC operates under the jurisdiction of the <i>Freedom of Information and Protection of Privacy Act</i>, <i>Municipal Freedom of Information and Protection of Privacy Act</i>, <i>Personal Health Information Protection Act</i>, and the CYFSA (beginning January 2020). The Commissioner is appointed by and reports to the Legislative Assembly of Ontario and is independent of government.</p>
 <p><b>Office of the Chief Coroner</b></p>	<p>The Office of the Chief Coroner (OCC) for Ontario conducts death investigations and holds inquests. The findings from investigations and inquests are used to generate recommendations to help improve public safety and prevent deaths in similar circumstances.</p>	<p>The OCC is called to investigate deaths that appear to be from unnatural causes, natural deaths that occur suddenly or unexpectedly, or when concerns are raised regarding the care provided to an individual prior to death. Every death investigated is considered for possible inquest, which may be held when:</p> <ul style="list-style-type: none"> <li>• a death of a child is a result of a criminal act of a person who has custody of the child, if certain circumstances are met</li> <li>• if the coroner believes a jury could make useful recommendations to prevent further deaths</li> </ul>	<p>Ontario coroners conduct death investigations in accordance with section 10 of the <i>Coroners Act</i>.</p> <p>The Death Investigation Oversight Council (DIOC) is an independent advisory agency that oversees coroners (including the Office of the Chief Coroner) and forensic pathologists in Ontario.</p>
 <p><b>Office of the Children's Lawyer</b></p>	<p>The Office of the Children's Lawyer (OCL) is an independent law office in the Ministry of the Attorney General which delivers programs in the administration of justice on behalf of children with respect to their personal and property rights.</p>	<p>The OCL provides independent legal representation for children in the following matters under the CYFSA: for subject children and for minor parents in child protection proceedings; in cases where an alternative dispute resolution (ADR) process is being undertaken to assist in resolving a matter relating to a child who is or may be in need of protection; for 16 and 17 year old youth entering into Voluntary Youth Services Agreements (VYSA) with societies; in secure treatment proceedings before the CFSRB or the court; and in openness negotiations and proceedings. In some cases, legal representation is provided at the direction of the court and in others it is provided at the discretion of the OCL. The OCL also provides independent legal advice to children age 7 and older who are consenting to be adopted, and minor parents under age 18 who are consenting to the adoption of their children.</p>	<p>The OCL operates under the jurisdiction of the CYFSA when representing children and minor parents under age 18 in child protection, ADR, VYSA, secure treatment, adoption, and openness matters.</p>
 <p><b>Ontario Ombudsman</b></p>	<p>The Ombudsman is an Officer of the Ontario Legislative Assembly who is independent of government and political parties. The office resolves and investigates public complaints and systemic issues within the Ombudsman's jurisdiction.</p>	<p>The Ombudsman's office is responsible for investigations related to children and youth receiving services from children's aid societies or residential licensees, and addressing complaints using the office's early resolution and investigations mechanisms. The Ombudsman must also be notified of the death or of serious bodily harm to children or youth who have received services from a children's aid society. The Ombudsman's Office also has the authority to conduct impartial reviews and investigations of complaints about the administrative conduct of Ontario's public sector bodies, including the provincial government, municipalities, universities and school boards, and the provision of French language services.</p>	<p>The <i>Ombudsman Act</i> sets out the Ombudsman's investigative mandate with respect to complaints about children's aid societies and residential licensees. It also sets out the Ombudsman's powers of investigation, which include the authority to issue summonses, request documentation from public sector bodies, require evidence under oath, and inspect premises.</p>