



REPORT TO

## GOVERNANCE AND POLICY COMMITTEE

### WHISTLEBLOWER POLICY (A.39)

*“And let us consider how to provoke one another to love and good deeds, not neglecting to meet together, as is the habit of some, but encouraging one another, and all more as you see the Day approaching.”*

Hebrews 10:24-25

Created, Draft	First Tabling	Review
August 28, 2018	September 11, 2018	<a href="#">Click here to enter a date</a>

P. De Cock, Comptroller of Business Services & Finance

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### RECOMMENDATION REPORT

#### Vision:

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

#### Mission:

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



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## **A. EXECUTIVE SUMMARY**

At the meeting of the Regular Board on June 14<sup>th</sup> 2018, the Board of Trustees received the TCDSB Community Consultation results and referred the draft Policy and Operational Procedures to the Governance and Policy Committee. In addition, the Board of Trustees directed staff to provide additional examples of Whistleblower Policies.

This report summarizes and provides analysis of the feedback, comments and results gathered from the consultation process (Appendix A), and provides additional sample policies for comparative purposes (Appendices C & D). In addition, the report provides a draft Whistleblower Policy (A.39) and Operational Procedures (Appendix B) for reference.

Overall, the consultation feedback has provided confirmation for the need to provide informants with anonymity and protection from reprisals. The proposed use of a third party whistleblower service facilitates the anonymity of informants, ensures the confidentiality of information submitted, and protects the informants from any form of internal or external reprisal in a cost effective manner.

This report recommends the adoption and operationalization of the draft Whistleblower Policy and Operational Procedures.

*The cumulative staff time required to prepare this report was 7 hours.*

## **B. PURPOSE**

1. Most large public organizations have policies and procedures like this in place to identify and prevent improper activities. The Whistleblower Policy (A.39) and Operational Procedures outlines standard guidelines to respond to moral, ethical or legal concerns of all TCDSB community stakeholders, as well as the implementation of a third party reporting hotline.

## **C. BACKGROUND**

1. The Whistleblower Policy (A.39) and Operational Procedures drafted and submitted to the Governance and Policy Committee meeting on September 12<sup>th</sup> 2017 for consideration and review supports the Board's commitment to

integrity and accountability. A framework for the disclosure and investigation of wrongdoing, as well as protection from reprisal or threat of reprisal for those who make disclosures of information facilitates this commitment.

2. The goal of the policy is to encourage TCDSB stakeholders at all levels of the organization and others to act with integrity.
3. TCDSB stakeholders were invited to participate in the community consultation regarding the Whistleblower Policy (A.39) as part of the Board's commitment to protect the public interest and trust in public education by providing a framework for the disclosure and investigation of wrongdoing, as well as protections from reprisal or threat of reprisal for those who make disclosures of information.
4. A dedicated Community Consultation micro-website was developed to capture feedback via an online survey from May 1<sup>st</sup> 2018 to May 22<sup>nd</sup> 2018 at 12:00 pm (noon).
5. Prior to the online web-based consultation, a series of discussions initiated by the Senior Coordinator Academic Services, Human Resources invited input on the draft Whistleblower Policy (A.39) at meetings scheduled between February and April 2018 with the TCDSB's major employee and administrative groups, as well as employee unions.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. A total of 397 respondents completed the online survey which generated 254 individual comments (Appendix A). Based on this response rate and the target audience focus of parents and staff, the survey results are considered accurate 9 times out of 10, with a margin of error of plus or minus 4 percent.
2. The survey used a "Likert" scale (range from Strongly Agree and Agree to Neutral, and Disagree to Strongly Disagree) applied to three main questions to garner feedback.
3. Generally, over 75% of parents/guardians indicated they agree or strongly agree the draft policy adequately supports the Board's commitment to integrity by providing a framework for the disclosure and investigation of wrongdoing, as well as protection from reprisal or threat of reprisal for those

who make disclosures of information. This is in contrast to 57% of TCDSB staff who responded that they disagree or strongly disagree with this statement.

4. When asked if the policy will encourage TCDSB stakeholders at all levels of the organization and others to act with integrity, slightly over 63% of parents agree or strongly agree with the statement, with just over 61% of Board staff who disagree or strongly disagree.
5. Over 70% of parents indicated they were supportive of the new Whistleblower Policy (A.39), compared with 30% of teachers. A majority of teachers (60.5%) responded with “No” to supporting the new policy.
6. Common themes expressed in the comments submitted centred on concerns about duplication of existing legislation (Teaching Profession Act), Board workplace policy governing harassment and discrimination (HM.14, HM.19 and HM.37), and reliability of a third party reporting service.
7. The full survey results appear in Appendix A. In general, the comments are negative with consistent themes about confidentiality, a duplication of existing legislation, cost implications, and the risk of reporting used to settle scores or engage in reprisals.
8. Additional Whistleblower Policies for the Toronto District School Board and York Catholic District School Board appear in Appendices C and D respectively for reference and comparative purposes.
9. The proposed Policy and Operational Procedures addresses the overall concerns collected by consultation exercise by the engagement of a third party Whistleblower agency. The agency will ensure the anonymity of informants and provide protection from any form of reprisal both internal and external to the TCDSB organization.
10. The third party Whistleblower agency can be procured and maintained in a cost effective manner as detailed below:
  - Annual maintenance cost estimated at \$20,000
  - One-time implementation and training costs estimated at \$26,000
  - Renewal and Contingency costs estimated at \$17,000

11. The 2018-19 Budget Estimates contains an approved funding provision of \$75,000.

## **E. STAFF RECOMMENDATION**

This report recommends the adoption and operationalization of the proposed Whistleblower Policy (A.39) and Operational Procedures.