

EXAMINATION IN-CHIEF BY B. FORTINO:

Q. Good morning, Ms. Pepper. My name is Ben Fotino. I'm counsel for Ms. Grillo. I'll be asking a few questions this morning, okay?

5 A. Okay.

Q. Can you tell us what your current occupation is?

A. Yes. I am a senior manager at Child and Family Services of Grand Erie, and my role includes quality assurance, practice development, and policy.

10 Q. Okay. And how long have you been in that, in that capacity or so employed?

A. In this specific role, while it was elevated in the past – in the last year, I've been managing this portfolio since approximately 2022.

15 Q. Okay. And prior to that – let me ask you this, how long have you been with the Child and Family Services of Grand Erie in total?

A. Yes. So I started my career in child welfare at Child and Family Services of Huron-Perth in 2020-10 as a child
20 protection worker.

Q. Okay.

A. And I've been in child welfare since then and held various roles, primarily in child protection, but also managed the child protection team as a supervisor and also in
25 quality assurance and training roles during that time.

Q. Okay. And sorry, when did you move to the Grand Erie services?

A. I spent one year at Huron-Perth, and then I moved to, at the time it was the Children's Aid Society of
30 Haldeman, Norfolk, and we amalgamated in 2022.

Q. Okay. Thank you. I, I understand that you had occasion to be involved in the Internal Complaint Review Panel in

February of 2023. Is that correct?

A. Correct.

Q. And, and that would involve the Newton-Grillo family, correct?

A. Correct.

Q. Just a couple of questions on that panel. Who constituted the panel on that occasion in February of 2023?

A. So the panel is selected by the executive director as per the regulation, and for this particular panel, it was myself, Director of Service, Leslie Thomas(ph), supervisor or manager, Don Reno(ph), and we also had a board of director member, Craig Reneau(ph).

Q. Okay. But in terms of specifically who, who organized and picked the panel for this specific file, was that the director, executive director that you just mentioned?

A. Correct. Our executive director is Sally Johnson(ph), and she selects all of the panels for the ICRP complaints.

Q. Okay. And is there any special training that one must have before they can be a member of that panel?

A. I believe the regulation indicates that there must be at least one member of the senior team, and then we always have a board of director as an external panel member. And then they also have to have no knowledge or involvement with the family work prior to their involvement with the panel or managing their complaint.

Q. Okay. Is there - I, I guess the, the question is the board director is not someone who works within the confines of the Society, correct?

A. Correct.

Q. All right. But the other three that you mentioned, including yourself, work in some capacity with the,

the Society, correct?

A. Yes. Leslie Thomas is a director of service, and Don Reno is a, a manager.

Q. Okay. But, but in terms of picking members of the panel, do you, do you draw on any employee of the Society, or is it specified to management, supervision, et cetera?

A. So it is all - it all - it is all management, and like I said, it has to include a member of the senior team, and so we only have four other directors of service, and so based on virtue of the fact that the individual can't have knowledge or involvement with the family, that does narrow it down significantly. And then also myself, because I don't oversee direct service cases in that capacity, I typically sit on all of the panels. And then between myself and the director of service, we identify a service manager who is available to participate at the time.

Q. Okay. So I think you just said that you sit on all the panels. Is - did I hear that correctly?

A. Yes, I do.

Q. Okay. All right. And, and that would mean that any time it's been constituted, you'd be a member that sits at that time?

A. Typically, yes, based on my availability. But since amalgamation, I have sat on all the panels that we have had.

Q. Just, just to get some, some context here, how often would you say the panel is constituted in any given year, to the best...

A. Yeah, so...

Q. ...of your recollection?

A. ...yeah, so like I said, I have participated in these since amalgamation. I think a few years we have had maybe

three or four, but I know in this last year we only had one ICRP panel that was deemed eligible in this fiscal year.

Q. Okay. And I - thank you for that. And I understand the process is that you receive a - well, let me ask this, who receives the complaint initially and then makes the determination that it's eligible for a, a panel review? Can you give us a bit of guidance on that?

A. Yes. So we have a management assistant who manages our service complaints, or the coordination as such. And so the complaint filters into our management assistant, who then forwards it on to the executive director, who determines which director of service has not had any involvement and identifies the chair. So either myself or the director of service, and then asks us to determine - to complete that review to determine if it meets the eligibility requirements or not.

Q. And, and I understand that there's specific timeframes for the completion of the - from the, from the receipt of the complaint to the constituting of the panel, correct?

A. That is correct.

Q. Is it 7 days or 14 days? One or the other?

A. I think it is, I think it is 7 days of receipt and then 14 days once we determine eligibility.

Q. Okay. And I understand in this case the, the panel met virtually like when, when the, when the panel was constituted it was virtual, is that correct?

A. That is correct.

Q. All right. And, and were you and the other members all in one room or were you all virtual when you had the hearing, if I can call it that?

A. We were in separate rooms.

Q. Okay. And Mr. Newton, the complainant, was in his own - wherever he was. He wasn't at the Society, correct?

Chantal Pepper - in-Ch.

A. Correct.

Q. All right. And as part of your, your specifically - and, and I take it you can speak for the others in terms of process only. When the complaint comes in, take me
5 through what you do in terms of reviewing yourself for - preparing yourself for the hearing. I, I use the word hearing. I, I don't want to. It's a, a panel. What do you do to prepare yourself for that, that attendance with the, with the complainant?

10 A. Yes. So once the panel is selected, the management assistant will forward the complaint that was received in writing to all of the panel members for review. And then based on that information, we conduct a review of the case record, so the service file. And we start to, you know,
15 formulate opinions or determine next steps. And so from each - so in this particular panel, we each conducted our own independent reviews of the case record. And then we meet as a group to do - to prepare ourselves for the panel meeting with the complainant. And then we, we hold the meeting, and then we also
20 hold a follow-up meeting or debriefing to formulate our recommendations as a result of the information we collected, as well as the information contained in the meeting itself.

Q. Okay. And is there, is there - you, you mentioned that you review the case notes. I take it you're
25 talking to case notes of the various workers are involved in the file to date?

A. That - well, to date of the complaint itself or in - that pertain to the complaint itself.

Q. I see.

30 A. So we may review the record in its entirety if the complaint doesn't - we sometimes may narrow it depending on what the nature of the complaint itself is.

Chantal Pepper - in-Ch.

Q. Yes, I understand. And your, your counsel or the Society's counsel was kind enough to forward disclosure. I notice in there that there are no notes of the meeting or the individual members. Is that common or is that just not produced
5 as part of disclosure?

A. No, that's common. We would keep kind of our own - we would do our own independent reviews, so we don't share those or document them as a part of the record.

Q. And is the, is the actual Zoom meeting, when the
10 panel is constituted and you listen to submissions and make comments, is that transcribed or is that just dealt with in terms of oral submissions?

A. The management assistant participates in that meeting, so she would be responsible for recording minutes, and
15 then those would be reviewed and approved by the chair of the panel.

Q. Okay. Those minutes were not produced. Is that, is that the policy of the, of the panel or the Society, not to produce the minutes that are generated from the, the panel
20 review?

A. I believe the minutes were produced. So if you don't have them, that may be an error, but I believe they should have been included in the disclosure package.

Q. Oh, yes, I see. Well, I'll go through that.
25 Sorry, you mean they're right there. Now, in terms of your review and, and the other individual members' review, I, I take it, as I understand, you, you don't speak or you didn't speak in this particular case with the initial investigating Society protection workers. Is that correct? That would have been
30 Brianna Boyd at the time. Do you recall that?

A. Yes.

Q. Okay.

A. It would be our decision whether or not we want to do that, and we typically - that has not occurred in any ICRP's case that I've participated in to date.

Q. Okay. So that's not a policy, that's just more
5 of, of an individual, I'll use the term preference, individual decision on the panel board member, whether they want to speak to the investigating protection worker or the services worker, et cetera, whoever may have been involved in the file initially, correct?

10 A. The panel would discuss that when we meet to do our pre-meeting or post-meeting, whether we felt that was warranted or not.

Q. Okay. And I also understand that you didn't - I take it you never spoke to anybody in terms of the protection
15 workers, whether investigatory or service-cantered, in this file. So, for example, you didn't talk to Ms., Ms. Boyd, you didn't talk to Cheryl Crawford, or you didn't talk to Ashley Ciccone when she became involved, is that correct?

A. That is correct.

20 Q. And I take it you didn't - you wouldn't have reviewed any intrinsic evidence as part of your review and preparation for the panel? Aside from....

A. Could you clarify what you mean?

Q. Yeah, yes, thank you, sorry. Aside from the
25 case notes, you didn't review any other extrinsic evidence, like, for example, photos or, or an audio recording, et cetera?

A. We did review the audio recording.

Q. Oh, you did? Okay.

A. Yes, we did, correct.

30 Q. Okay. Okay. All right, and you didn't review any photos or anything like that?

A. I don't believe that we reviewed photos.

Q. Okay.

A. I believe the recording would have been the only other evidence, aside from the documentation and the record.

Q. Did each panel - to your knowledge and you may
5 not have that if you can, if you can describe, do you have any independent knowledge that every member of the panel reviewed the audio or listened to the audio?

A. Yes, we discussed it. We each did review the recording.

10 Q. Okay. And did you formulate an opinion about the recording?

A. As a panel or independently?

Q. Both.

A. Did - could you rephrase your question, would
15 you mind?

Q. Did you formulate an opinion about the audio recording, its veracity, its, its internal consistency, its - in any event, whatever you heard, did you formulate an opinion, either as part of you being a member of the panel or in any other
20 capacity being a worker for Society in management?

A. I think we had concerns regarding the context of the recording in relation to the investigation outcome.

Q. Okay. Okay. But you didn't feel it important that if you had concerns about the context of the recording to
25 speak to the initial investigating protection workers, whether on scene or supervisor, Ms. Boyd or Ms. Crawford?

A. No, because we read the documentation and the case record, which was quite thorough from my perspective.

Q. Did you have - did you or any other member of
30 the panel have any concern about the work that was performed by your workers, Ms. Boyd or Ms. Crawford, at the start and or commencement of this investigation?

Chantal Pepper - in-Ch.

A. While we formulated a differing opinion from Ms. Boyd and Ms. Crawford, I did not have concerns about their work.

Q. Okay. All right. And as part of this process, it's fair to state that it, it simply involves your communication
5 with the complainant only, in this case Mr. Newton, correct?

A. Correct, aside from...

Q. Yeah.

A. ...review of the case.

Q. Yes. And I'm asking this generally and, and I
10 don't know, is it part of the, the policy of the Society or the internal review panel not to speak to another member of the family, i.e., mom in this case, about this process?

A. In any of the ICRP panels I've participated in the past number of years, we've only spoken with the complainant
15 and or if they have a support person attend with them.

Q. Okay. But in terms of, for example, in this case, an allegation of sexual assault, you didn't feel it - I, I guess I want to ask you, as a matter of policy, is that your policy that you don't speak to the other parent involved, if
20 there is another parent or grandparent involved, whoever it may be, your policy is not to deal with them?

A. Correct.

Q. Okay. And you only speak with the complainant based on what he or she may say in the complaint and in the
25 submissions at the, at the panel hearing?

A. Yes, because it's focused on the complaint portion of the complaint content itself. It's narrowed to that focus.

Q. Okay.

30 B. FORTINO: Can I just take you - sorry, I don't know what that was. Your Honour, may I take - may I have B-5612? The, the - I'd uploaded the records

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from ICRP just this morning, Your Honour, or yesterday.

THE COURT: What number?

B. FORTINO: B-5612. These records start at B-5596, just for your own records, Your Honour. Yes, Your Honour.

B. FORTINO: Q. So - sorry, Ms., Ms. Pepper, these - is this the transcript - transcribed minutes that we talked about earlier of the meeting?

A. I believe so.

Q. Okay. And this would have been transcribed by the managing service attendant there on, on February - January 24th, correct?

A. The management assistant, correct.

Q. Okay. All right. And just in terms of the process, I take it Mr. Newton provided initial submissions. Is that correct?

A. He - sorry, can you clarify the question?

Q. Just, just to take us back to the meeting itself, my understanding, and you can correct me if I'm wrong, that Mr. Newton may have done oral submissions before you, or did you just read the, the complaint that was made by him?

A. That is correct. He did do oral submissions during the complaint meeting. And then - yes, yes, correct.

Q. Okay. And then how, how long was the meeting in total?

A. I don't recall, but I - they are typically scheduled for one hour.

Q. Okay. And then is it like a question and answer scenario between the members of the panel and Mr. Newton?

A. Typically what we do during our pre-meeting, once we've reviewed some of the case information and the

complaint itself, we try to focus the complaint into specific themes or categories to ensure that we have understood the nature...

Q. Right.

5 A. ...of the complaint. And so typically we will review that during the meeting to say, you know, these are the areas we think that you've identified as a concern per your complaint. And then we offer the complainant the opportunity to clarify that, so to confirm if those are - you know, if we've
10 understood correctly. And then we usually just provide an open forum to hear the complaint and make sure that they know that their concerns have been, been heard before the panel.

Q. Okay. Just to understand, thank you for that, just to understand, these minutes, is that - does, does this
15 represent the oral statements made, or is this a summary by the management services officer of what was discussed between the panel and Mr. Newton?

A. I believe it would be both.

Q. Okay. I, and may not be reading it, but I, I
20 just asking if there's your - is yours and the panel's conclusions anywhere in this, in this transcribed meeting of the minutes, minutes of the meeting, or is that....

A. No.

Q. Yeah, okay.

25 A. We....

Q. Do not - your conclusions aren't here, correct?

A. Correct. We do not review those in front of the complainant. We take the time to listen to them, and then we regroup in a separate meeting as a panel and as a group to ensure
30 that we are in agreement with the conclusions. And we also review those with the executive director, as the panel does represent the executive director.

Q. Okay. And I take it you, you did that in this case after January 24th, 2023. You convened a, a meeting or had some dialogue amongst the members of the panel, correct?

A. Correct.

5 Q. And when you come to a decision, whatever it might be, does it have to be unanimous or majority rules?

A. I don't know that I've had experience where we haven't had a unanimous decision. In this case, anyway, it was unanimous.

10 Q. Okay. And that, that meeting where you make the decision to deal with Mr. Newton's complaint, was that, was that transcribed? Like were there - do you keep notes? Because, again, I don't think they were produced as part of these, these records.

15 A. No, we do not keep notes of those.

Q. Okay. Oh, you don't keep any notes at all?

A. We don't keep notes of the debriefing or meeting with the panel outside of the meeting with the complainant.

20 Q. Okay. Okay. And as part of your meeting afterwards, you formulated the opinion that the initial verification of sexual abuse was to, was to have changed, correct?

A. Correct.

25 Q. And the change was to be from verified to inconclusive, correct?

A. That was our recommendation, yes.

Q. And as I understand it, at no time did you seek out the opinion, comments, questions or concerns of the mother in this case, correct?

30 A. Correct.

Q. And, again, you didn't feel that that was necessary or warranted?

A. Correct.

Q. Okay. And in terms of communicating with the other side, if I can call it that, it was just a letter sent, is that correct, from the panel, correct?

5 A. Yes, so that's how we share the conclusions of the outcome, is via written correspondence.

Q. Okay. There's no, no phone call from any member of the panel that, that indicates why this was done, et cetera, aside from the written version?

10 A. The panel's role is to make recommendations, and then it would be the service team's - the service team would follow up, typically, from there.

Q. But the letter is signed by the members of the panel, no?

15 A. Correct, yes.

Q. Okay.

A. The panel would produce the conclusions, and then we would review those with the service team, and then it would be their responsibility to implement those, should they
20 feel such.

Q. No, I understand that, sorry. But in terms of the designation in your file from something being verified to change to inconclusive, that is a direction that you give. It's not really the decision of the service worker or the
25 investigative worker, correct?

A. Typically, the panel makes recommendations, and then the service team does the implementation.

Q. Okay. You said the service team.

A. Correct.

30 Q. I see. Has there been a scenario where the service worker or anybody says we don't agree? Can they actually say no to you?

A. I think that that may be an option, but that has
- I have not had that occur.

Q. You think it may be an option, but you don't
know?

5 A. In my experience, that has not occurred.

Q. Okay. And in this case, the service worker, at
the time that you constituted the panel and made the decision -
made the recommendations was Ashley Ciccone, to your knowledge,
correct?

10 A. Correct.

Q. And like the others, you never spoke to her or
sought her input in terms of what was happening, correct?

A. Correct.

Q. All right. And was there a recommendation to
15 have certain monies returned to Mr. Newton? Do you recall that?

A. I do recall that, yes.

Q. Is that for the risk assessment that was
undertaken?

A. Correct.

20 Q. Okay. All right. In terms of Mr. Newton's
comments about Ms. Grillo and statements about her desire for
control or not wanting counselling, do you just accept what he
says in terms of those statements to you, to you, and I say you,
I mean the panel, Ms. Pepper?

25 A. Sorry, could you clarify your question?

Q. So your, your minutes that were - that formed
part of the January 24th, 2023 panel hearing, I don't want to use
the word hearing, but it's, it's when you were together with Mr.
Newton, there's a, a litany of complaints that Mr. Newton made
30 about Ms. Grillo. Do you see that on the second page? I can
take you there. It's B-5613.

A. Yes, I understand what you mean now.

Q. So do, do you just take it at face value that what he says is accurate and that's how you make your decision?

A. No, we would review the case record.

Q. Okay. All right. But you don't talk to Ms.,
5 Ms. Grillo to get her side and, and get her response to some of these, some of these complaints or, or concerns as raised by Mr. Newton?

A. Correct.

Q. All right. Mr. Newton said, I believe, and you
10 - I, I can take you to it, but it's part of the application, I think the initial complaint, he suggested that he was discriminated against. Do you see that?

A. Yes, I was aware of that.

Q. Okay. Did, did the panel form any opinion about
15 discrimination as being part of this file?

A. I don't believe so specifically.

Q. Well, in your recollection, was there anything in the file that would indicate that the Society acted in a way that was discriminatory to Mr. Newton?

A. I don't believe that we formulated opinions
20 specific to discrimination.

Q. Okay. And then one of the grounds was that he said he wasn't given the opportunity to have his concerns heard and be represented when decisions were made, correct? I can take
25 you to it. He checked off that box...

A. Correct.

Q. ...in the complaint, sorry.

A. Yes.

Q. Okay. Did...

A. Yes, that is correct.
30

Q. ...did you formulate an opinion as to whether that ground was valid or not?

A. I believe we formulated an opinion specific to how his complaint was heard or addressed by the Society.

Q. You mean the complaint that came in December, at the end of December?

5 A. I, I believe I mean the complaint procedure itself and how his concerns were heard throughout the process of his work with the service team.

Q. Okay. Right, did you have any concerns with the way the service team was handling the file when you reviewed the
10 case notes?

A. No.

Q. All right. Okay.

B. FORTINO: Sorry, Your Honour, if I may have one moment.

15 B. FORTINO: Q. Can I take you to B-5621 - sorry, if I can take you to B-5620 just for a completeness. That's a letter dated February 7th, 2023. Do you see that? You're familiar with that letter, correct? That was the, that was the recommendation letter, correct?

20 A. Correct.

Q. Okay. And then if I can take you to 5621 - sorry, B-5621. Paragraph three, this is where you summarize the investigation, the procedure, et cetera. Do you see that?

A. Yes.

25 Q. You, you indicate that you heard concerns about the recording, the validity of the recording, potential coaching and alienation by the mother, correct?

A. Correct.

30 Q. But none of these statements that you just made were ever identified as being problems by your workers, Brianna Boyd, Cheryl Crawford, or for that matter, the service worker, Ashley Ciccone, correct?

A. Correct.

Q. Okay. And then you go on to indicate that on a balance of probabilities, you'd like to - you recommend that the verification changes from verified to inconclusive, correct?

A. Correct.

Q. All right. Okay. And then I take it you then send a letter out to the individual parents setting out the position, correct?

A. Correct.

Q. As part of your, your communication with Ms. Grillo, did you offer any assistance in terms of seeking out guidance, therapy, et cetera?

A. So....

Q. Because of, because of your, because of your change or your recommended change in verification status?

A. That would be the role of the service team.

Q. Okay. You guys would have nothing to do with that?

A. Correct.

Q. Okay.

B. FORTINO: Those are all my questions, Your Honour.

THE COURT: Ms. Rasheed?

M. RASHEED: Yes, Your Honour.

CROSS-EXAMINATION BY M. RASHEED:

Q. Good morning.

A. Good morning.

Q. My name is Mehwish Rasheed. I'm the counsel for the father, Adam Newton. I just have a few questions for you.

A. Okay.

Q. Okay. So you heard Mr. Fortino question you

with respect to the mother's involvement in the complaint. But isn't it true that the focus of your complaint was to determine if the Society's workers had performed the investigation correctly or, or if Mr. Newton's complaints with respect to the Society's workers' investigations were correct?

A. The focus of the complaint - one of the focuses of the complaint was specific to the verification outcome and if there was sufficient evidence to support that.

Q. And Mr. Newton was - Mr. Newton's complaint was with respect to the Society workers' verification and not what the mother was saying, correct? Like his complaint wasn't for you to determine what the mom should be doing. His complaint was with respect to what the Society should be doing, correct?

A. The focus of the complaint was specific to him being the complainant and his specific requests.

Q. Right. And his complaints and his requests were not necessarily relevant to what the mother had to say because you already had all the information available about what the mother had said and done in the Society notes, correct?

A. Correct. That information is available in the case record.

Q. Okay. So, for example, my friend noted that there was a concern raised with respect to control, specifically Ms. Grillo's control of - in terms of her caring for the child. So I would just like to bring that comment back. It specifically states Ms. Grillo's desire for control and then there is explanation providing allowing no supervised access in September 2022. So in order for you to verify whether Ms. Grillo actually had a desire for control, you would have, you would have reviewed the records to confirm that she was preventing supervised access in September 2022, correct?

A. That wasn't the scope of the panel at that time.

Q. It's noted in the minutes of your - I'm not - so I'm not talking about what the purpose of the complaint was anymore. I'm just specifically addressing that the complaints that were made by Mr. Newton, they were then looked into and
5 verified by looking at the Society notes, right?

A. Correct.

Q. And so the issue of access, and specifically Ms. Grillo controlling the access and not allowing supervised access, that was looked at as part of the overall complaint, correct? As
10 that was one of the concerns raised. I, I can refer you to the minutes if, if you're having difficulty understanding the question. So it's the minutes that were - actually, can you tell me this?

M. RASHEED: Sorry, Courts indulgence, Your Honour.
15 Okay. Your Honour, could I have the court's attention to B-5613? Okay. And a little bit lower.

M. RASHEED: Q. So that's what we're - so I'm referring to the notes from the - or the minutes from the meeting. It says concerns in Ms. Grillo's care of the child. It
20 states Ms. Grillo's desire for control and then allowing no supervised access in September 2022. So this information was available to the Society, correct? Whether access was being allowed or not?

A. Yes.

Q. And it would have been included in the notes, which it was. I reviewed it. So you - did you review the notes as part...
25

A. Yes.

Q. ...of the complaint? Yes. So if you reviewed
30 the notes and it was part of the notes, you would have had knowledge of whether this occurred or not, correct? So you would have a way of verifying whether these concerns are correct.

A. Yes. However, that wasn't the specific portion of the complaint that we were - while we had access to the records, Mr. Grillo[sic] could state whatever he wanted in the meeting. And so that may or may not have been a focus, that
5 specific point during our review.

Q. Okay. So your focus was to determine whether the verification that was made by Ms. Boyd and Cheryl Crawford was in fact accurate.

A. Correct.

10 Q. And based on your overall review of all concerns raised by Mr. Newton and your review of the Society notes, you determined that, that the verification was not accurate.

A. Correct.

15 Q. And you determined that it needed to be changed to inconclusive.

A. That was our recommendation, yes.

Q. Yes. And that recommendation was first determined independently by each panel member and then discussed together, correct?

20 A. That is correct.

Q. And all of you reached the same conclusion that based on Mr. Newton's concerns and the Society's investigation, the verification was incorrect.

A. Correct.

25 Q. And with respect to any biases within the panel, you do have a way to check that there's no conflict of interest with Mr. Newton or the complainant and the panel members, correct?

A. Correct.

30 Q. I'm not sure if you're aware, but there was an allegation made towards the Society, specifically after the recommendations were made by the panel, that Justice Nightingale,

a judge, a family law judge, had prejudiced or influenced the panel's decision. Are you aware of any involvement by Justice Nightingale or any other family law judges with respect to the panel's decision?

5 A. I was not aware of that complaint, and I was not aware of any of that interference.

Q. And you certainly would have a process in place if, in the unlikely event, a judge tries to interfere in this process, correct?

10 A. Yes.

Q. Do you even discuss - the Society, does the Society even discuss complaints with outside members other than the complainant and just the panel members?

A. No.

15 Q. No. So the....

A. Sorry, aside from the service team. The service team would be aware.

Q. Yes. But outside the Society, staff members?

A. No, that would be absolutely confidential.

20 Q. It's confidential. Okay. And in order for Mr. Newton to even get to the place where he makes a complaint, there's an initial review process, correct?

A. Correct.

25 Q. Because there was a letter sent advising him that there was merit to his complaint and that he could move to the next step, correct?

A. The eligibility review, yes.

30 Q. Eligibility, yes, criteria, yes. So if his complaint was baseless, he wouldn't have even been allowed to proceed to the next step, correct?

A. If he didn't meet the criteria, that's correct.

Q. If he didn't meet the criteria, yes. Okay. And

with respect to the letter that was prepared, so going back to the February 7 letter, do you have it in front of you? I'm just going to....

A. Yes.

5 Q. Okay, good. So you looked at different themes of the complaint, specifically six themes, correct?

A. Yes.

Q. Okay. And one of the themes was whether the procedures that were followed were, were done accurately. So
10 specifically in these circumstances there were a lot of, of Society workers involved, and Mr. Newton was, was concerned that he wasn't able to communicate with them to the full context, and he, he didn't have all the information because of the change in workers. And you determined that this was a concern, correct?

15 A. We determined that it would have been helpful for both managers to participate in the complaint meeting so that there was a, a transparent flow of information.

Q. Okay. And then flowing into the next topic, which was, again, transparency and information that was shared
20 with Mr. Newton, is it true that one of his concerns was that the, the Society workers were not transparent with him?

A. I believe that may have been one of his concerns, yes.

Q. And the Society recommended a review of
25 practices to ensure information is shared with both parties, correct?

A. Yes.

A. Okay. And both parties including Mr. Newton?

A. Correct.

30 Q. Okay. Then further, with respect to the validity or, or actual verification, the Society heard concerns about the timing and the validity and the potential coaching

concerns with respect to the recording itself, correct?

A. Correct.

Q. And, and his concern was that this needs to be addressed in context with the toileting issues and the ongoing custody issues between the parties, correct?

A. Correct.

Q. And based on your - and you did review these concerns, correct?

A. The case record, yes. Correct.

Q. And based on these concerns, your determination was that the verification was incorrect?

A. Correct.

Q. And the criteria that you had looked at is for - the two issues that should have been determined is whether the evidence was credible and whether the evidence was pervasive, correct?

A. Correct.

Q. And this is specifically evidence that's reviewed and gathered and investigated by the Society workers, correct?

A. Correct.

Q. And as you determined that the verification was incorrect, is it, is it fair to send - say that based on your determination that the, the evidence was not credible and the evidence was not pervasive or that it didn't meet the standards of credibility and pervasiveness?

A. It didn't meet the standards for the verification outcome of verified.

Q. Okay. So there were concerns about credibility with respect to the recording?

A. Correct.

Q. Okay. All right. And is it true that the

Society reimbursed Mr. Newton costs with respect to his completing - his completion of the risk assessment?

A. It was our recommendation. I can't speak to whether or not...

Q. Okay.

A. ...that occurred.

Q. Okay. But you - this was recommended?

A. Correct...

Q. Okay.

A. ...yes.

Q. You further recommended for the Society to remove all barriers imposed with respect to Mr. Newton's visits with his daughter, including any requirement for supervision, correct?

A. Our recommendation was to transition to that, I believe, yes.

Q. It's - well, in paragraph 4, Acknowledgement of Results, the last paragraph, it states - sorry, I'll just wait until - there you go. Okay. So in the last paragraph under paragraph 4, it's, "further following review of the assessment in accordance with the panel's other findings, the panel recommends", so that means it was already recommended at that stage for all barriers to be removed, including supervision, correct?

A. We asked them to consider that, correct.

Q. Okay. And because based on the review of the panel, supervision was not required, correct?

A. Correct.

Q. Okay. And further, with respect to facilitating visits, the location that was recommended was Mr. Newton's home, correct?

A. Yes. We prefer the least intrusive option

possible...

Q. Okay.

A. ...for children

Q. All right. And based on the panel members, it
5 was understood that this would be in Zaria's best interest,
correct?

A. Correct.

Q. Okay. And then further, you had concerns about
the mother's home not being visited in accordance with the
10 Ministry standards, correct?

A. That was one of the issues discussed in the
complaint, or brought up by the complainant.

Q. Yes. And, and you agreed that the mother's
house should have been visited?

A. We recommended that all Ministry standards are
15 adhered to, and that is one of our Ministry standards.

Q. Okay. With respect to Mr. Fortino's question
that a Society worker has an option but - to disagree, your
response for that did not - that has not occurred in your time.
20 Now, specifically with respect to this case, when the
recommendations were made, did you get any disagreements from any
of the Society workers about your recommendations?

A. No.

Q. So did a Society worker contact you and say, I
25 don't agree?

A. No, they did not.

Q. Okay. Okay.

M. RASHEED: And - wait actually, that's, that's
all, Your Honour. Thank you. Thank you for your
30 attendance.

THE COURT: Any re-examinations?

B. FORTINO: Sorry, Your Honour, may I have one

second?

THE COURT: Sure.

RE-EXAMINATION BY B. FORTINO:

5 Q. Just two questions. My friend just indicated to you that you never, you never heard from any Society worker that they would disagree or agree with respect to your decision. Do you recall that question from my friend?

A. Yes.

10 Q. I'm, I'm going to suggest to you that both Ms. Boyd and Ms. Crawford weren't even aware of the decision that you made.

A. I believe Ms. Crawford participated in a meeting to review the findings. I don't believe Ms. Boyd did.

15 Q. Okay. You have independent recollection that Ms. Crawford was there to review the findings?

A. Correct.

20 Q. Okay. And in terms of the, the decision to change from verified to inconclusive, what's your understanding of the two - the difference between the two, the two designations?

25 A. Well, verified means that it justifies a reason for transferring to ongoing service, and we believe that information is confirmed to be true. I would say I don't know the formal definition, to be honest, at this moment without referring to further notes, what exactly inconclusive is defined as.

30 Q. Okay. All right. But that would have been something that would have gone into your decision making process to determine that the Ministry or the Society's criteria for verification and the Society's criteria for inconclusive.

A. Yes. I believe if something is deemed

inconclusive, it can't be transferred to ongoing service. It needs to have a verified protection finding.

Q. Okay. But is the, is the verified or inconclusive in relation to the allegation of sexual assault or in relation to whether services can be provided?

A. They're intertwined. So you have, you have to have a verified finding to transfer to ongoing service, and so there has to be at least one allegation or area of eligibility to transfer to ongoing.

Q. Okay. And just one, one last question. My friend suggested or put to you that all of the complaints made by Mr. Newton about Ms. Grillo, you would have had information about that. The reality is, I'm just going to take you to B-5612, 613. You summarize here what Mr. Newton's concerns were with Ms. Grillo's care for the child. All this information came from him, correct? It wasn't information that you gleaned from the record. These were his specific concerns told to you.

A. That is correct.

Q. All right.

B. FORTINO: Okay. I have no further questions, Your Honour.

THE COURT: Thank you, Ms. Pepper. You are excused.

A. Thank you.

B. FORTINO: I think that - sorry, yes that, that represents my last witness.

THE COURT: Thank you.

B. FORTINO: Yeah, you're welcome, Your Honour.

M. RASHEED: Your Honour, can we have the morning break just so I can get my thoughts together and then....

THE COURT: Yes, we can.

M. RASHEED: Thank you.