



Date: May 31, 2023

COMPLAINT AND FAIRNESS ISSUES

A former student of a registered independent school complained about the lack of response from the Ministry of Education to abuse allegations. This complaint raised concerns about the oversight and enforcement of the legislation and regulations governing these schools.

We served Notice of Investigation regarding the following issues:

1. Does the Ministry of Education have reporting and investigation guidelines for complaints about registered independent schools?
2. Did the Ministry properly handle the reporting and investigation of the complaints related to registered independent schools?

WHY WE ISSUED A NOTICE OF INVESTIGATION

The Ministry of Education, specifically the Independent Schools and Home-based Education unit, is responsible for licensing and regulating registered independent schools in Saskatchewan. As of 2022-23, there were 64 independent schools operating in the province. These schools offer parents the opportunity to provide an education to their children in accordance with their beliefs, as stated on the Ministry's website. Given its regulatory role, the Ministry should anticipate receiving complaints related to independent schools. Consequently, it is crucial for the Ministry to have a well-established process in place to handle these complaints in a comprehensive, timely, impartial, and fair manner.

REGULATORY FRAMEWORK

The Ministry of Education has been given statutory authority and responsibility to oversee the certification, inspection, and regulation of independent schools in Saskatchewan. Under *The Education Act 1995* and *The Registered Independent School Regulations*, the Ministry has the power to cancel or suspend the certificate of an independent school if it provides false or misleading information, violates relevant laws or policies, breaches certificate terms or conditions, no longer meets certification requirements, or if it is in the public interest. The Ministry's Registered Independent School Manual outlines policies and procedures for independent schools, covering eligibility, registration, administrative requirements, staff, curriculum, instruction, evaluation criteria, as well as inspection and supervision. The inspection process is meant to ensure the well-being of students and compliance with necessary regulations, while non-directive supervision can be provided to enhance the performance of independent school teachers without disrupting school operations.

WHAT WE FOUND

On August 25, 2022, Ombudsman Saskatchewan received an online complaint highlighting concerns regarding the oversight, action, and enforcement of regulations by the Ministry of Education concerning registered independent schools in Saskatchewan. Several former students, who have publicly shared their experiences, filed police complaints, and joined a proposed \$25 million class-action lawsuit against the Legacy Christian Academy and the adjacent Mile Two Church.

The Ministry acknowledged that it lacked reporting and investigation guidelines for addressing complaints related to registered independent schools. Additionally, the Ministry had only documented two serious complaints, both of which were referred to the police. Upon receiving our notice, the Ministry recognized the existence of this problem and proactively reached out to our office for further assistance.

RECOMMENDATIONS

Our office made the following recommendation to the Ministry of Education:

The Ministry of Education create and implement a complaints handling policy and procedure based on Ombudsman Saskatchewan Best Practices.

To support the implementation of our recommendation, our office shared a [best practices document](#) on the key principles that a fair and effective complaints process should encompass.

A fair and effective complaints process should adhere to the key principles of being citizen-focused, objective, fair, timely, accountable, and confidential. This entails providing accessible means for submitting complaints and clear guidelines for handling them. Active listening and timely acknowledgement of complaints is important to ensure that complainants feel heard. Complaints should be assessed promptly, with simple ones resolved quickly and complex ones escalated for further review.

In investigating and resolving complaints, it is crucial to ensure the independence and qualifications of those involved. Adequate and properly trained staff, using trauma-informed practices are important in ensuring a review of a complaint which treats the complainant with dignity and respect. Offering opportunities for feedback and involving affected parties in the decision-making process is also essential. Key steps in investigating a complaint are establishing the facts, reviewing relevant rules and regulations, and applying them to the situation.

Communication of findings and decisions should be timely, providing clear reasons and addressing all relevant issues. Information about the appeals process should also be provided. Learning from complaints helps identify recurring issues and improve systems and services.

Finally, complaints have value as they resolve individual issues, provide insights for service improvements, and enhance public confidence in government administrative processes.

The Ministry has applied these best practices and provided us with a draft of their complaint handling policy and procedure. The revised complaint handling policy and procedure will support the delivery of an administratively fair process to handle complaints going forward. We will monitor the implementation of their complaint handling policy and procedures through any further complaints our office receives.