



SO MUCH LEFT TO DO:
STATUS REPORT ON THE 62 RECOMMENDATIONS
FROM THE PHOENIX SINCLAIR INQUIRY

Office of the Children's Advocate

MANITOBA

2016

CONTENTS

| | |
|---|----|
| INTRODUCTION | 5 |
| PURPOSE OF REVIEW | 6 |
| METHODOLOGY | 6 |
| Status Definitions for Assessing Progress | 7 |
| SUMMARY OF FINDINGS..... | 8 |
| In Progress - 50% of Recommendations | 10 |
| Pending - 21% of Recommendations..... | 11 |
| Complete/Complete and Ongoing - 29% of Recommendations..... | 12 |
| CONCLUSION..... | 14 |
| BIBLIOGRAPHY | 15 |
| APPENDICES | 19 |
| A - Status by Recommendation..... | 19 |
| B - Summary of Inquiry Recommendations | 20 |

INTRODUCTION

On March 25, 2011, Manitoba's Attorney General Andrew Swan announced that the Honourable Ted Hughes would conduct an Inquiry to examine the circumstances surrounding the death of Phoenix Sinclair (Manitoba, 2011b). The scope of the Inquiry was to examine the circumstances surrounding the death of Phoenix Sinclair and, in particular, to inquire into:

- (a) the child welfare services provided or not provided to Phoenix Sinclair and her family under *The Child and Family Services Act*;
- (b) any other circumstances, apart from the delivery of child welfare services, directly related to the death of Phoenix Sinclair; and
- (c) why the death of Phoenix Sinclair remained undiscovered for several months.

Commissioner Hughes was also directed to consider the findings and recommendations of six previous reports and investigations that had emerged following the death of Phoenix Sinclair, including *Strengthen the Commitment: An External Review of the Child Welfare System* (Hardy, Schibler, & Hamilton, 2006), *Audit of the Child and Family Services Division, Pre-devolution Child in Care Processes and Practices* (Manitoba Auditor General, 2006), *"Honouring Their Spirits" The Child Death Review* (Office of the Children's Advocate, 2006a), and *"Strengthening Our Youth" The Journey to Competence and Independence* (Office of the Children's Advocate, 2006b). The additional two reports, completed by the Office of the Chief Medical Examiner and the Office of the Children's Advocate respectively, were specific to the services provided to Phoenix Sinclair and her family, and were not publically released.

The Commission's public hearings took place over a two year period, beginning on June 28, 2011, and concluding July 30, 2013. The Commission's final report, *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children* (Hughes, 2013), was completed in December 2013 and was received by Manitoba Justice on December 16, 2013 (Manitoba, 2013b).

In submitting 62 recommendations for change, Commissioner Hughes concluded (Hughes, 2013):

My hope is that the heart wrenching evidence I heard in Phase One of this inquiry will serve as a catalyst to ensure that the recommendations that emerge from this report are wholeheartedly embraced and implemented. The protection of children is a shared value of the whole community. The public interest that this Inquiry has received encourages me in the belief that achievement of the better protection of all Manitoba's children, and especially the most vulnerable, will be the true legacy of Phoenix Sinclair. (p. 35)

On January 31, 2014, as they released the final report of the Inquiry, the government offered a public apology for the failure of the child welfare system to protect Phoenix Sinclair and the government announced it would "immediately act" to implement the Inquiry's recommendations (Manitoba, 2014a). At that time, it was announced that government had initiated action on 31 of the recommendations, and

that an implementation team (AMR Planning & Consulting) would be appointed for the remaining 31 recommendations. The implementation team was to report back to the Minister of Family Services by September 3, 2014.

In January 2015, the implementation team submitted their final report, *Options for Action, An Implementation Report for The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*, to the Minister of Family Services (Manitoba, 2015a). This report contained information gathered by the implementation team from their meetings with front-line service providers, families, Elders, community agencies and organizations. The report identified “options for actions” that could be taken to implement or respond to the remaining 31 recommendations.

PURPOSE OF REVIEW

On December 9, 2015, the Children’s Advocate notified the Minister of Family Services that a systemic review was being initiated to ascertain progress made on implementing the 62 recommendations of the final report of the Inquiry. The purpose of this review is not to evaluate the adequacy of the implementation responses in meeting the intent of the recommendations, but rather to give a status update on the planning and activities undertaken by government that would indicate progress was being made toward implementation of each recommendation.

In January and February 2016, meetings occurred between the Office of the Children’s Advocate (OCA) and representatives of Manitoba Family Services to discuss the systemic review and to begin the information gathering process. Subsequent to these meetings, two written requests were made for all relevant information pertaining to implementation analysis, as well as the planning and activities undertaken up to and including March 31, 2016.¹

METHODOLOGY

The methodology entailed a broad level scan of the implementation steps and corresponding documents that indicated work was being performed on an individual recommendation. This status report is not an in-depth review or assessment of how effectively each recommendation is being implemented, but rather it is intended to be an overview of the government’s progress made to date.

To assess the progress, primary sources of information such as public documents (e.g., press releases, reports, etc.) and subsequent documents supplied by the Department of Family Services, now known as the Department of Families, were utilized. The documents provided by government included:

¹ These requests were made to Manitoba Family Services on March 2 and April 8, 2016.

- 4-Step Analysis Template and Detailed Implementation Plan Template (received January 20, 2016)
- Implementation of the Phoenix Sinclair Inquiry Recommendations: Project Governance document (received February 19, 2016)
- Detailed Implementation Plans for 60 recommendations made in the Phoenix Sinclair Inquiry (received March 18, 2016; April 18, 2016; and June 22, 2016)
- Summary Update for 61 recommendations (received September 30, 2016)

Each supporting document was reviewed and evaluated based on relevance and completeness. Each recommendation has been assessed on a 5-point scale; however, by the September 30, 2016, information submission all 62 recommendations fell within one of the three categories listed below.²

Status Definitions for Assessing Progress

| ACTIVITY STATUS | DEFINITION |
|---|---|
| IN PROGRESS | The organization or working group responsible for implementing the recommendation has reported that activities beyond initial planning are underway, and processes have been created to ensure full implementation of the recommendation with associated timelines. |
| PENDING | The organization or working group responsible has reported some limited planning, but there is no foreseeable timeline of implementation at this time. This status would also apply to situations where activities were previously occurring, and are now on hold due to extenuating circumstances beyond the organization or working group's authority or control. |
| COMPLETE/ COMPLETE & ONGOING | The organization or working group responsible for implementing the recommendation has reported that they have taken all necessary steps to respond to the recommendation and no further activity is required. In some cases, initial implementation of the recommendation has occurred, but activities will continue as an ongoing feature. |

² The other two categories were 'No Information Provided' and 'No Progress.'

SUMMARY OF FINDINGS

In January 2016, the OCA was advised by the Department of Family Services that a project management approach had been adopted to address the Inquiry recommendations. It was reported that a project workgroup was established and began meeting in June 2015, with meetings continuing into the fall of 2015. Initial activities of the project workgroup were to develop two templates with the input of the Child and Family Services Division and the four Child and Family Services Authorities:

1) 4-Step Analysis Template

This template was used in reviewing each recommendation. Four critical steps/lenses were used to assess the overall benefits, costs and additional considerations including:

- i. Outcome Analysis – Is the outcome desired and enough to cause change?
- ii. Financial/Operational Analysis – Is the cost of achieving that outcome favourable?
- iii. Policy Review – Does the recommendation require policy changes?
- iv. Legislative Review – Does the recommendation require legislative changes?

2) Detailed Implementation Plan Template

This template was used to gather information specific to each recommendation and includes the following information:

- i. Implementation start date;
- ii. Assigned workgroup; and
- iii. Detailed implementation steps (i.e., implementation activity, activity lead, start date/end date, and comments).

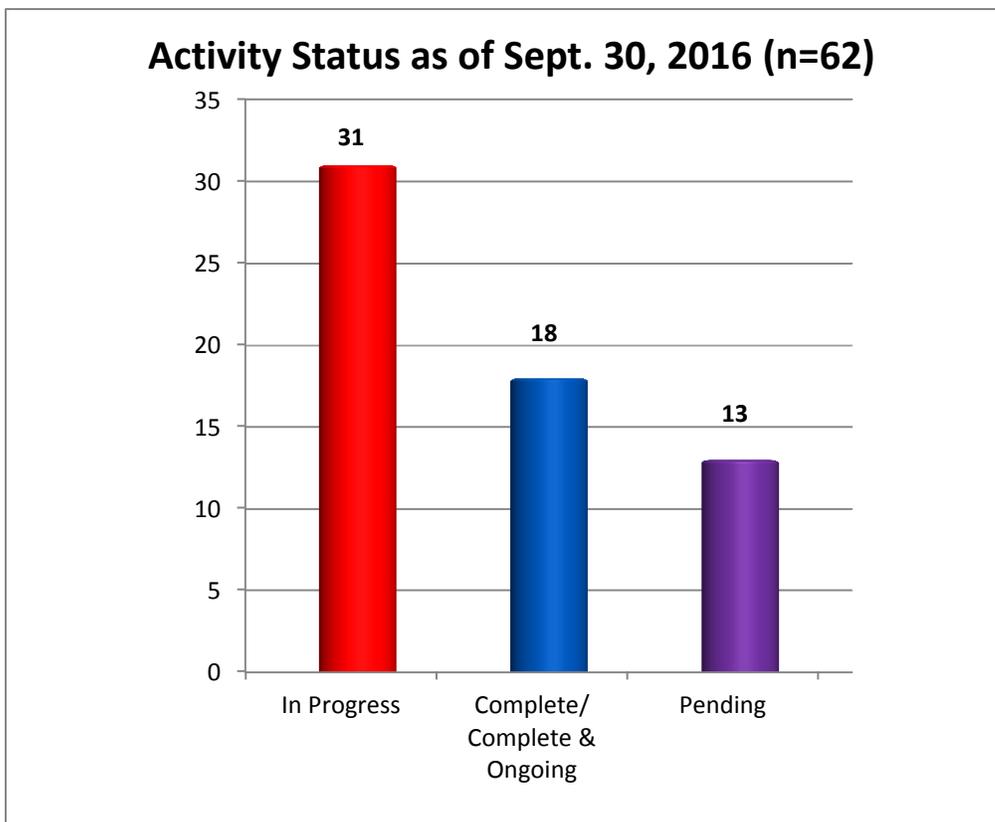
In February 2016, the OCA was provided with a copy of the governance structure for the project and was further advised that as of fall 2015, the 4-step analysis had been completed for all 62 recommendations and that all recommendations had been assigned to departments or working groups for the development of the Detailed Implementation Plans (DIPs).

In March and April 2016, the OCA made written requests to the Department of Family Services for copies of the completed 4-step analysis documents for all 62 recommendations and all completed DIPs indicating the implementation activities completed up to March 31, 2016. On both occasions, the Department declined to provide copies of the reported completed 4-step analysis documents, citing these as “internal documents” used to inform the development of the DIPs. It was further stated that relevant information contained in the 4-step analysis would be evident in the related DIPs provided. As the completed 4-step analysis documents were not furnished in response to the information request, the OCA is unable to verify that this work has been completed.

On June 22, 2016, the OCA received a further submission of information from the Department of Families, which contained all of the DIPs that had been outstanding as of April 2016. In an effort to be as complete as possible, this information was accepted for review and included in a revised report on status of activities up to March 31, 2016.

As part of the OCA's commitment to administrative fairness, the Children's Advocate met with the Minister of Families to discuss the report on August 31, 2016. It was agreed at this meeting that one final update would be accepted by the OCA to allow for status reporting on recommendation activities to be brought more up-to date. This summary update was received on September 30, 2016.

It is important to note that in addition to reviewing the information supplied on request by the government, the OCA also conducted a review of publically available information to determine whether there was evidence to verify the information provided in the DIP prior to assigning an activity status.



IN PROGRESS - 50% OF RECOMMENDATIONS

DIPs for 31 recommendations were determined by the OCA to be in progress.

Of these recommendations, nine of them were related to larger, community-wide strategic goals identified in the following sections of the Phoenix Sinclair Inquiry report:

| | |
|---|--------------------------------|
| What Brings Families to Child Welfare | Recommendations 49 & 52 |
| Prevention Based on Children's Rights | Recommendation 54 |
| Building Community Capacity | Recommendations 55,56, 57 & 58 |
| Importance of Early Childhood Education | Recommendations 60 & 61 |

Two of the 31 recommendations were being addressed through the revision of existing Provincial Standards or other existing policies. The standards and/or policies are in various stages of approval, but the changes have not yet been deemed effective for use by CFS agencies. These include:

| | |
|-----------------------------------|--|
| Quality Assurance and Supervision | <p>Recommendation 16 – Review of Provincial Standard 1.1.2 <i>Assessment</i> and establishing or revising of policies</p> <p>Recommendation 19 – Review of Provincial Standard 1.1.6 <i>Service Completion</i> and establishing or revising policies</p> |
|-----------------------------------|--|

Fourteen of the 31 recommendations in progress were found to have ongoing activities demonstrating work was occurring to address the recommendation. These include:

| | |
|--|----------------------------------|
| Differential Response: A New Model of Practice | Recommendations 2,3, 4, 6, 7 & 9 |
| Devolution | Recommendation 11 |
| Workload and its Impact on Service | Recommendations 12,13 & 14 |
| Quality Assurance and Supervision | Recommendation 20 |
| Sharing Investigative Reports | Recommendation 30 & 31 |
| Supporting the Transition to Adulthood | Recommendation 34 |

Two of the 31 recommendations in progress were being primarily addressed through the CURAM for Child Welfare Project. CURAM is an electronic software program that is being explored to replace the existing child welfare information system composed of the Child and Family Services Information System and the Intake Module.

OFFICE OF THE CHILDREN'S ADVOCATE 2016

| | |
|---|-------------------------|
| Information Systems | Recommendations 21 & 22 |
| Two of the 31 recommendations in progress were being addressed through a referral to another established committee for further discussion and work. | |
| Education and Training of Child Welfare Workers | Recommendations 26 & 27 |
| Of the remaining two recommendations determined by the OCA to be in progress: | |
| <ul style="list-style-type: none"> • One recommendation related to overarching CFS principles and was being addressed as part of activities undertaken on other recommendations (Recommendation 1). • One recommendation related to review of previous and existing differential response projects (Recommendation 25). | |

PENDING - 21% OF RECOMMENDATIONS

Thirteen recommendations were determined by the OCA to be pending. Of these recommendations, all are related to the OCA section of the Phoenix Sinclair Inquiry report (Recommendations 36 – 48) which called for an expansion and strengthening of the role of the Children's Advocate in Manitoba.

Bill 25, *The Children's Advocate Act* was introduced in the Manitoba Legislature in June 2015. A lack of support among members of the legislature as well as numerous concerns about the proposed bill caused the government to pull the bill in the fall of 2015.

Bill 16, *The Children's Advocate Act*, was introduced in the Manitoba Legislature on December 3, 2015. This updated bill was reported to address the recommendations related to expanding and strengthening the role of the OCA as described in the final Inquiry report. This second bill did not pass prior to the ending of the legislative session in March 2016, and thus no changes to the role of the Children's Advocate have occurred. With no further implementation activities being publically announced, the recommendations addressed through this proposed legislation are deemed by the OCA to remain pending.

| | |
|---------------------|------------------------|
| Children's Advocate | Recommendation 36 - 48 |
|---------------------|------------------------|

COMPLETE/COMPLETE & ONGOING

- 29% OF RECOMMENDATIONS

There were 18 recommendations that were reported to be complete in the DIPs submitted to the OCA, with ten of the 18 recommendations being deemed complete and ongoing as they will require ongoing activity or maintenance. Based on a review of publically available information, the OCA has included any verifiable reported activity or plan addressing these recommendations in the References section of this report.

| | |
|---|---|
| Differential Response: A New Model of Practice | <p>Recommendation 5 – Deemed complete with a revision of Provincial Standard 1.1.6 <i>Service Completion</i>.</p> <p>Recommendation 8 – Deemed complete & ongoing as it is a current requirement in the CFS system.</p> |
| Devolution | <p>Recommendation 10 – Deemed complete & ongoing as it is already an ongoing feature of Standing Committee.</p> |
| Quality Assurance and Supervision | <p>Recommendation 15 – Deemed complete & ongoing as it is already outlined in provincial standards.</p> <p>Recommendation 17 – Deemed complete as it is already a policy requirement and outlined in provincial standards.</p> <p>Recommendation 18 – Deemed complete as there is already a provincial policy in place.</p> |
| Information Systems | <p>Recommendation 23 – Deemed complete & ongoing as a directive was issued requiring use of current system.</p> <p>Recommendation 24 – Deemed complete & ongoing as it is already an ongoing feature of annual meetings between CFS agencies and their authorities.</p> |
| Education and Training of Child Welfare Workers | <p>Recommendation 28 – Deemed complete & ongoing as it is already an ongoing feature of Standing Committee.</p> <p>Recommendation 29 – Deemed complete & ongoing with the development of a provincial training module/curriculum for child welfare workers.</p> |

OFFICE OF THE CHILDREN'S ADVOCATE 2016

| | |
|---|--|
| <p>Registration of Social Workers</p> | <p>Recommendations 32 & 33 – Deemed complete with proclamation of <i>The Social Work Profession Act</i> on April 1, 2015.</p> |
| <p>Supporting the Transition to Adulthood</p> | <p>Recommendation 35 – Deemed complete & ongoing with the development of Provincial Standard 1.1.7 <i>Preparing Youth for Leaving Care</i> and 1.1.8 <i>Agreements with Young Adults</i>.</p> |
| <p>What Brings Families to the Child Welfare System</p> | <p>Recommendation 50 – Deemed complete & ongoing as there is a five-year Memorandum of Understanding (MOU) in place with Centre for Aboriginal Human Resource Development (CAHRD)</p> <p>Recommendation 51 – Deemed complete. As of December 1, 2015, Employment and Income Assistance participants in private rental situations had their shelter rates adjusted to 75% of median market rates.</p> <p>Recommendation 53 – Deemed complete. Addressed through placement of the issue of Aboriginal Children in Care on the agenda for the summer 2014 Council of the Federation meeting.</p> |
| <p>Importance of Early Childhood Education</p> | <p>Recommendation 59 – Deemed complete. Information provided indicates that this recommendation is already addressed in Manitoba's existing Early Childhood Development Framework (Healthy Child, 2013) which reflects the principle of proportionate universality.</p> <p>Recommendation 62 – Deemed complete & ongoing. Of the 62 Inquiry recommendations, this recommendation was found to have the most activities reported to be undertaken toward implementation. Most notable was the development of a new plan for Indigenous education (June 2015) and continued work in integrating Aboriginal perspectives into curriculums as curriculum frameworks are renewed.</p> |

CONCLUSION

This status report comes almost three years after the public release of the Phoenix Sinclair Inquiry report in January 2014. Since that time, there has been no publically released document that easily and readily outlines the specific progress made towards implementation of the 62 recommendations that were contained in *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*. While there have been a number of provincial news releases announcing actions or initiatives being taken that relate to recommendations from the Phoenix Sinclair Inquiry, due to a lack of specificity it is essentially left to the reader to make their own determination as to the recommendation(s) being addressed.

The Children's Advocate found that 50% of the recommendations were in progress almost three years after the public release of the Inquiry report. This review also found that 21% of the Inquiry's recommendations were not progressing at this time. These recommendations related to the OCA section of the Phoenix Sinclair Inquiry. Bill 16, *The Children's Advocate Act* introduced in the Manitoba Legislature on December 3, 2015, did not pass prior to the ending of the legislative session in March 2016, and thus no changes to the role of the Advocate have occurred. With no further implementation activities being publically announced, the recommendations addressed through this proposed legislation are deemed by the OCA to remain pending. It is concerning that, based on submitted and verified information, only 29% of the recommendations of the Phoenix Sinclair Inquiry were found to be complete or complete and ongoing as of September 30, 2016. Interestingly, eight of the completed recommendations appear to have been addressed through a review of existing policies and standards, and confirming that these already addressed the recommendations.

In conclusion, the Children's Advocate calls upon the Department of Families to regularly and publically report on the status of implementation of the 62 recommendations contained in *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*, along with an explanation of the assigned implementation status.

BIBLIOGRAPHY

- Aboriginal Children in Care Working Group. (2015). *Aboriginal children in care: Report to Canada's Premiers*. Retrieved from http://canadaspremiers.ca/phocadownload/publications/aboriginal_children_in_care_report_july2015.pdf
- AMR Planning & Consulting. (2015). *Options for Action: An Implementation Report for The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children*.
- Bill 8: *The Protecting Children (Information Sharing) Act*. (2016). 1st Reading June 15, 2016, 41st Legislature, 1st session. Retrieved from <https://web2.gov.mb.ca/bills/41-1/b008e.php>
- Bill 16: *The Children's Advocate Act*. (2015). 1st Reading Dec. 3, 2015, 40th Legislature, 5th session. Retrieved from <https://web2.gov.mb.ca/bills/40-5/b016e.php>
- Bill 25: *The Children's Advocate Act*. (2015). 1st Reading June 10, 2015, 40th Legislature, 4th session. Retrieved from <https://web2.gov.mb.ca/bills/40-4/b025e.php>
- Carlson, K.B., & Taber, J. (2014, August 29). First Nation inquiry calls give way to roundtable with broad focus. *The Globe and Mail*. Retrieved from <http://www.theglobeandmail.com/news/politics/inquiry-calls-give-way-to-roundtable-with-broad-focus/article20285079/>
- Hardy, M., Schibler, B., & Hamilton, I. (2006). *Strengthen the Commitment: An external review of the child welfare system*.
- Healthy Child Committee of Cabinet. (2013). Starting early, starting strong: Manitoba's early childhood development (ECD) framework. Province of Manitoba. Retrieved from http://www.gov.mb.ca/cyo/pdfs/sess_ECD_framework.pdf
- Hughes, T. (2013). *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children, Volume 1*. Winnipeg: Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair.
- Hughes, T. (2015, February 2). A successful day means aboriginal opportunity. *The Globe and Mail*. Retrieved from <http://www.theglobeandmail.com/opinion/a-successful-day-means-aboriginal-opportunity/article22729587/>
- Manitoba. (2011a). *Manitoba Non-Profit Organization (NPO) Strategy*. Retrieved from <http://www.gov.mb.ca/npo/index.html>
- Manitoba. (2011b). *Province Appoints Ted Hughes to Head Inquiry Into Death of Phoenix Sinclair* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=11085&posted=2011-03-25>
- Manitoba. (2013a). *Starting Early, Starting Strong. Manitoba's Early Childhood Development Framework*. Retrieved from http://www.gov.mb.ca/cyo/pdfs/sess_ECD_framework.pdf
- Manitoba. (2013b). *Province Receives Phoenix Sinclair Inquiry Report* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=19994&posted=2013-12-16>
- Manitoba. (2014a). *Phoenix Sinclair Inquiry Report Released* [News Release]. Retrieved from <http://news.gov.mb.ca/news/index.html?item=20250&posted=20>

- Manitoba. (2014b). *Province Introduces Proposed Legislation that would Strengthen Protections for Children in Care. Reporting of Critical Incidents would become Required by Law: Minister Irvin-Ross* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=30670>
- Manitoba. (2015a). *Manitoba Government Shifting From Protection to Prevention, Offering More Supports Services to Families. AMR Planning & Consulting Offers Options for Actions on Hughes Inquiry Recommendations* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=33831>
- Manitoba. (2015b). *Manitoba Government Establishes Commission to Create Road Map for Providing Universally Accessible Early Learning and Child Care* [News Release]. Retrieved from <http://news.gov.mb.ca/news/index.html?item=33915&posted=2015-02-03>
- Manitoba. (2015c). *Manitoba Government Announces it's on Track to End Use of Hotels for Youth in Care by June 1. More Supports for Families to Help Keep Children at Home, More Resources for CFS Agencies When Emergency Placements Needed: Ministers* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=34990>
- Manitoba. (2015d). *Province Launches New Task Force to Improve Educational Outcomes of Children in Care* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=35130>
- Manitoba. (2015e). *Province Introduces Legislation That Would Strengthen Office of the Children's Advocate. New Act Would Increase Independence of OCA, Transparency of Child Welfare System: Minister Irvin-Ross* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=35152>
- Manitoba. (2015f). *Province Acts on Truth and Reconciliation Commission Report Recommendations With New Plan for Indigenous Education* [News Release]. Retrieved from <http://news.gov.mb.ca/news/index.html?item=35275&posted=2015-06-21>
- Manitoba. (2015g). *Province Announces Stabilization Unit for Youth With Complex Needs to Open at Marymount in September. Secure Facility to Focus on Mental Health Services, New Supports for Children, Youth in CFS Care: Minister Irvin-Ross* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=35815&posted=2015-08-19>
- Manitoba. (2015h). *Province Announces Historic Partnership to Protect, Promote Aboriginal Languages* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=36130>
- Manitoba. (2015i). *Province Advises New Legislation to Strengthen Protections for Children in Care Now In Effect. Reporting of Critical Incidents Now Mandatory Within One Hour or at Earliest Opportunity: Minister Irvin-Ross* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=36440&posted=2015-10-15>
- Manitoba. (2015j). *Manitoba Government Meets Timeline to End Use of Hotels for Youth in Care. More Supports for Families at Home, More Resources for CFS Agencies: Minister Irvin-Ross* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=36910>
- Manitoba. (2015k). *Province to Introduce Proposed Amendments That Would Support Traditional Method of Care for Indigenous Children. Government Takes Steps to Support Indigenous Family, Community Values: Minister Irvin-Ross* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=36930&posted=2015-12-02>

- Manitoba. (2015l). *Province Introduces Proposed Legislation that would Strengthen Office of the Children's Advocate. Proposed Act Would Increase Independence of Children's Advocate, Expand the Mandate: Minister Irvin-Ross* [News Release]. Retrieved from <http://news.gov.mb.ca/news/?item=36952>
- Manitoba. (2016a). *Manitoba Government Highlights Proposed Legislation That Would Help Protect Children in Care at Information Session* [News Release]. Retrieved from <http://news.gov.mb.ca/news/index.html?archive=&item=38430>
- Manitoba. (2016b). *Province Announces Plan to Implement Recommendations from the Task Force on Education Outcomes for Children in Care* [News Release]. Retrieved from <http://news.gov.mb.ca/news/index.html?item=37342&posted=2016-01-18>
- Manitoba Auditor General. (2006). *Audit of the Child and Family Services Division, Pre-devolution Child in Care Processes and Practices*.
- Manitoba Education and Advanced Learning, Aboriginal Education Directorate. (2016). *First Nation, Métis and Inuit Education Policy Framework: Transforming Educational Experiences Through the Five Rs: Recognition, Revitalization, Relevance, and Relationships and Reconciliation*. Retrieved from http://www.edu.gov.mb.ca/aed/fnmi_framework/document.pdf
- Manitoba Education and Advanced Learning (2015). 2014-2015 Annual Report. Retrieved from http://www.edu.gov.mb.ca/ar_edu_1415/index.html
- Manitoba Family Services. (2010). *Agency Standard 1.7.1. Service Records*. Retrieved from <http://www.gov.mb.ca/fs/cfsmanual/1.7.1.html>
- Manitoba Family Services. (2015a). *Case Management Standard 1.1.3 Planning*. Retrieved from <http://www.gov.mb.ca/fs/cfsmanual/1.1.3.html>
- Manitoba Family Services. (2015b). *Case Management Standard 1.1.6 Service Completion*. Retrieved from <http://www.gov.mb.ca/fs/cfsmanual/1.1.6.html>.
- Manitoba Family Services. (2015c). *Case Management Standard 1.1.7 Preparing Youth for Leaving Care*. Retrieved from http://www.gov.mb.ca/fs/cfsmanual/pubs/pdf/1.1.7_enp.pdf
- Manitoba Family Services. (2015d). *Case Management Standard 1.1.8 Agreements with Young Adults (Extensions of Care)*. Retrieved from http://www.gov.mb.ca/fs/cfsmanual/pubs/pdf/1.1.8_enp.pdf
- Manitoba Family Services (2016). 2015-2016 Annual Report. Retrieved from http://www.gov.mb.ca/fs/about/pubs/fsar_2015-16.pdf
- Meissner, D. (2014, June 6). Former judge wants nationwide aboriginal-care plan. *The Canadian Press*. Retrieved from <http://globalnews.ca/news/1378019/former-judge-wants-nationwide-aboriginal-care-plan/>
- Office of the Children's Advocate. (2006a). *"Honouring Their Spirits" The child death review: A report to the Minister of Family Services & Housing Province of Manitoba*. Retrieved from <http://www.childrensadvocate.mb.ca/wp-content/uploads/Child-Death-Review-2006.pdf>

Office of the Children's Advocate. (2006b). *"Strengthening Our Youth" Their journey to competence and independence: A report on youth leaving Manitoba's child welfare system*. Retrieved from <http://www.childrensadvocate.mb.ca/wp-content/uploads/Strengthening-Our-Youth-Final-2006.pdf>

APPENDICES

Appendix A

Status by Recommendation

| <i>Recommendation</i> | <i>Status</i> | <i>Recommendation</i> | <i>Status</i> |
|-----------------------|--------------------|-----------------------|--------------------|
| 1 | In Progress | 32 | Complete |
| 2 | In Progress | 33 | Complete |
| 3 | In Progress | 34 | In Progress |
| 4 | In Progress | 35 | Complete & Ongoing |
| 5 | Complete | 36 | Pending |
| 6 | In Progress | 37 | Pending |
| 7 | In Progress | 38 | Pending |
| 8 | Complete & Ongoing | 39 | Pending |
| 9 | In Progress | 40 | Pending |
| 10 | Complete & Ongoing | 41 | Pending |
| 11 | In Progress | 42 | Pending |
| 12 | In Progress | 43 | Pending |
| 13 | In Progress | 44 | Pending |
| 14 | In Progress | 45 | Pending |
| 15 | Complete & Ongoing | 46 | Pending |
| 16 | In Progress | 47 | Pending |
| 17 | Complete | 48 | Pending |
| 18 | Complete | 49 | In Progress |
| 19 | In Progress | 50 | Complete & Ongoing |
| 20 | In Progress | 51 | Complete |
| 21 | In Progress | 52 | In Progress |
| 22 | In Progress | 53 | Complete |
| 23 | Complete & Ongoing | 54 | In Progress |
| 24 | Complete & Ongoing | 55 | In Progress |
| 25 | In Progress | 56 | In Progress |
| 26 | In Progress | 57 | In Progress |
| 27 | In Progress | 58 | In Progress |
| 28 | Complete & Ongoing | 59 | Complete |
| 29 | Complete & Ongoing | 60 | In Progress |
| 30 | In Progress | 61 | In Progress |
| 31 | In Progress | 62 | Complete & Ongoing |

Note: Recommendations are numbered as per the Recommendations Summary in Volume 1 of *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children* (December 2013) report, pp. 37 – 51.

Appendix B

Summary of Inquiry Recommendations

Note: Recommendations are numbered as per the Recommendations Summary in Volume 1 of *The Legacy of Phoenix Sinclair: Achieving the Best for All Our Children* (December 2013) report, pp. 37 – 51.

Recommendation 1: That the Province and the four child welfare Authorities, who are responsible for the delivery of child welfare services, adhere to the following principles:

- a) The key to supporting families and protecting children is offering early intervention through both universal and targeted services, to prevent the vulnerability that leads to contact with the child welfare system.
- b) Child welfare services are provided on a continuum, focusing on protection in the face of an immediate threat to a child's safety but almost always working with a family enhancement approach to keep children safe at home.
- c) Once a family comes to the attention of the child welfare system, the children's safety and well-being must be assessed; this means assessing both immediate and long-term risk of harm, including chronic neglect, and it requires face-to-face contact.
- d) Assessment tools must be used as an aid to, and not as a substitute for, the exercise of a worker's clinical judgment.
- e) Assessment tools must be used in a way that takes into account a family's cultural, social, and economic circumstances.
- f) After an assessment of the child's safety and well-being, and of the family's strengths and needs, the necessary and appropriate services, as determined by the assessment, must be available.
- g) When a child has been found to be in need of protection, the goal of the child welfare system is to prevent recurrence of maltreatment and resulting impairment. This should be done by child welfare agencies acting on their own or in partnership with community-based organizations and other government departments.
- h) The goal of the child welfare system is to keep as many children safe at home as is possible.

Recommendation 2: That the Province ensure that the family enhancement services required to support the differential response practice model are developed, coordinated, and made accessible, through partnerships and collaboration among the child welfare system, and other departments, and community-based organizations.

Recommendation 3: That All Nations Coordinated Response Network (ANCR)—whose role is triage and delivery of short-term services—no longer provide family enhancement services but should transfer families who need those services to a family services unit as soon as possible.

Recommendation 4: That every effort be made to provide continuity of service by ensuring that, to the extent reasonably possible, the same worker provides services to a family throughout its involvement with the child welfare system

Recommendation 5: That when responsibility for delivering services to a family is transferred from one worker to another, those workers communicate orally with each other, to the extent possible, and either record the conversation in the file, or document the reason why a conversation was not possible.

Recommendation 6: That agencies strive for greater transparency and information sharing with caregivers, which may require changes to legislation.

Recommendation 7: That the Authorities enhance availability of voluntary early intervention services by placing workers in schools, community centres, housing developments, and any other community facilities where they would be easily accessible.

Recommendation 8: That all child welfare workers who are expected to make use of the SDM assessment tools be trained on their proper use without delay.

Recommendation 9: That *The Child and Family Services Act, Personal Health Information Act, Freedom of Information and Protection of Privacy Act* and any other legislation as may be necessary be amended to allow service providers to share relevant information with each other and with parents (or caregivers) when necessary for the protection, safety, or best interests of a child.

Recommendation 10: That the Standing Committee discuss as a regular agenda item, the programs and policies being implemented by each Authority to determine those that can be adapted more broadly, in a culturally appropriate manner.

Recommendation 11: That the Standing Committee issue annual reports of its work to the Minister for tabling in the legislature and for concurrent release to the public.

Recommendation 12: That all ongoing services to families should be delivered on the basis of 20 cases per worker.

Recommendation 13: That the Authorities and agencies explore ways to reduce administrative burdens on social workers through the better use of technology and administrative staff.

Recommendation 14: That each Authority designate staff who are available both during the day and after hours, to support the work of social workers by locating individuals through investigative means, and serving court documents as necessary.

Recommendation 15: That CFS supervisors, social workers, and family support workers be required to keep complete and accurate records of all involvement with children and families, including records of all services they deliver, copies of any communications related to their involvement, and notes related to all contacts.

Recommendation 16: That when an agency engages a consultant, such as a medical professional, in the course of delivering services to a family, it must obtain a written report from the consultant and retain it in the relevant file.

Recommendation 17: That ANCR and all designated intake agencies throughout the province ensure that records are made and retained with respect to every telephone call received by the agency, regardless of whether a file is already open.

Recommendation 18: That an appropriate policy be developed by the Authorities to govern the retention of records made by agency personnel.

Recommendation 19: That the Authorities each develop and implement a supervision policy including provisions that:

- a) articulate that the primary function of supervision is to ensure compliance with best practice;
- b) require that supervisors prepare written reports of supervision meetings with workers, with copies retained in the appropriate case file;
- c) stipulate that before approving the transfer or closing of a file, the supervisor must document the reason for approving the decision; and
- d) require annual performance reviews to be conducted by a worker's direct supervisor using an objective set of articulated criteria, developed in consultation with agency staff.

Recommendation 20: That the Authorities each perform and publish annual composite reviews of the well-being of children who are receiving services from their agencies, or have received services within the past 12 months, whether in or out of care.

Recommendation 21: That the Department complete its solution-scoping phase for the replacement of CFSIS within the current fiscal year and proceed with implementation without delay.

Recommendation 22: That the new information management system be capable of:

- a) interfacing with other government systems including Employment Insurance, Education, and Health;
- b) keeping track of all children receiving protection services, as well all children in care;
- c) using alert features to flag those known by the system to pose a significant risk to children; and,
- d) efficient file recording, for example through the use of electronic dictation equipment and voice recognition, or direct entry using a computer, tablet, or other portable device.

Recommendation 23: All agencies must be required to use whatever information system is adopted.

Recommendation 24: The Department must ensure that all agencies have access to its information system, either through direct connectivity, or where that is not possible, through alternative means such as telephone access to an agency that has that capability.

Recommendation 25: That the Authorities be funded to a level that supports the differential response approach, including:

- a) Funding to allow agencies to meet the caseload ratio of 20 cases per worker for all family services workers;

- b) Increasing the \$1,300 fund for family enhancement services to a reasonable level, especially for families who are particularly vulnerable, many of whom are Aboriginal; and
- c) Determination of the amount of necessary funding after meaningful consultation between agencies and the Authorities, and between the Authorities and government, after agencies have reasonably assessed their needs.

Recommendation 26: That a Bachelor of Social Work or equivalent degree, as recognized by the proposed Manitoba College of Social Workers, be required of all social workers hired by agencies to deliver services under the Act.

Recommendation 27: That a concerted effort be made to encourage Aboriginal people to enter the social work profession, by promoting social work as a career choice and supporting educational institutions in removing barriers to education through access programs and other initiatives.

Recommendation 28: That the four Authorities share information about their training programs, and share materials so that successful training tools, techniques, and programs can be adapted and implemented more broadly.

Recommendation 29: That workers be specifically trained on the multi-generational impacts of residential schools and on the role of poverty, poor housing, substance abuse and other social and economic factors in assessments of child neglect.

Recommendation 30: That the Director share with the relevant Authority the findings and Recommendations of the report of any investigation with respect to the welfare of any child dealt with under section 4(2)(c) of *The Child and Family Services Act* and that the Authority share those with agencies, to be shared with staff.

Recommendation 31: That all four Authorities ensure that the findings and recommendations in this report are shared and discussed with all child welfare staff and management.

Recommendation 32: That the transitional board established under s. 77 of *The Social Work Profession Act* complete its work and report to the Minister by no later than June 30, 2014.

Recommendation 33: That the *Social Work Profession Act* be:

- a) amended to require that anyone who practises social work in Manitoba, under whatever title, be registered by the Manitoba College of Social Workers; and
- b) proclaimed into law at the earliest possible date, following receipt of the report of the transitional board.

Recommendation 34: That *The Child and Family Services Act* be amended to allow for extension of services to any child who at the age of majority was receiving services under the Act, up to age 25.

Recommendation 35: That a program be implemented to ensure that children who have been receiving services under the Act have available to them an individual social worker to coordinate services and ensure that they receive the necessary support for a successful transition into the community.

Recommendation 36: That the position of a Manitoba Representative for Children and Youth be established under its own legislation, titled *The Representative for Children and Youth Act*, with these features:

- a) status as an Officer of the Legislature, with the same independence afforded to the Ombudsman and Auditor General;
- b) a mandate to advocate not only for children in the child welfare system, but for all children and youth in the province who are receiving or are eligible to receive any publicly funded service;
- c) responsibility to review not only deaths, but also critical injuries to any child in care and any child who had been involved with child welfare during the previous year; and
- d) authority to make special reports to the Legislative Assembly where considered necessary, including reports on compliance with recommendations made previously by the Representative under the Act, such special reports to be delivered to the Speaker and the Standing Committee on Children and Youth.

Recommendation 37: That the Representative be appointed by a resolution of the Legislative Assembly, on the unanimous recommendation of the Standing Committee on Children and Youth following a search for a suitable candidate. In making its recommendation, the Committee must be required by the Act to consider the skills, qualifications, and experience of the candidate, including the candidate's understanding of the lives of Aboriginal children and families in Manitoba.

Recommendation 38: That the Representative for Children and Youth be appointed for a five-year term with an option for a second term, but no one should serve in the position beyond 10 years.

Recommendation 39: That a Deputy Representative be appointed by the Representative for Children and Youth.

Recommendation 40: That a Standing Committee on Children and Youth be established as a standing committee of the Legislature, and the Representative be required to report to it at least annually and to discuss special reports, and on other appropriate occasions.

Recommendation 41: That the Representative be required to prepare:

- a) an annual service plan, with a statement of goals and specific objectives and performance measures, and
- b) an annual report including a report on the Representative's work with Aboriginal children and families and with others, and comparing results for the preceding year with the expected results set out in the service plan.

Recommendation 42: That all annual reports, special reports, and service plans are to be made public, following delivery to the Speaker for placement before the Legislative Assembly and the Standing Committee on Children and Youth.

Recommendation 43: That in the hiring of all new staff for the Office of the Representative, except those filling clerical roles, consideration be given to an applicant's understanding of the lives of Aboriginal children and families in Manitoba.

Recommendation 44: That at the end of the term of the current Children's Advocate, an acting Children's Advocate be appointed, pending enactment of new legislation to create a Representative for Children and Youth. If any amendment to existing legislation is required to make that possible, that should be done now.

Recommendation 45: That the new Act contain provisions similar to the following, which are contained in Section 6(1) of the *Representative for Children and Youth Act* of British Columbia:

6(1) The Representative is responsible for performing the following functions in accordance with this Act:

- (a) support, assist, inform and advise children and their families respecting designated services, which activities include, without limitation,
 - i. providing information and advice to children and their families about how to effectively access designated services and how to become effective self-advocates with respect to those services,
 - ii. advocating on behalf of a child receiving or eligible to receive a designated service, and
 - iii. supporting, promoting in communities and commenting publicly on advocacy services for children and their families with respect to designated services;
- (a.1) support, assist, inform and advise young adults and their families respecting prescribed services and programs, which activities include, without limitation,
 - i. providing information and advice to young adults and their families about how to effectively access prescribed services and programs and how to become effective self-advocates with respect to those services and programs,
 - ii. advocating on behalf of a young adult receiving or eligible to receive a prescribed service or program, and
 - iii. supporting, promoting in communities and commenting publicly on advocacy services for young adults and their families with respect to prescribed services and programs;
- (b) review, investigate, and report on the critical injuries and deaths of children as set out in Part 4;
- (c) perform any other prescribed functions;

Recommendation 46: That in drafting the new legislation, reference be made to British Columbia's *Representative for Children and Youth Act* to ascertain whether provisions other than those addressed in the above recommendations are suitable for inclusion.

Recommendation 47: That the responsibility of the Ombudsman with respect to special investigation reports be removed.

Recommendation 48: That a public awareness campaign be undertaken to inform the public about the expanded mandate and role of the Representative for Children and Youth.

Recommendation 49: That the Province take the lead to work in concert with the federal and municipal governments, First Nations, and the private sector to develop further strategies to increase availability of a variety of affordable housing, including incentives and supports for landlords, developers, and community-based housing associations.

Recommendation 50: That the Province closely examine the 2009 report, *The View From Here: Manitobans Call for a Poverty Reduction Plan*, with a view to implementing the outstanding recommendations, paying particular attention to the area of adult education.

Recommendation 51: That social assistance housing allowances be increased to at least 75% of the median market rate.

Recommendation 52: That supports for families transitioning from First Nation communities to urban centres be expanded and enhanced. To this end, Manitoba should collaborate with First Nations and other levels of government.

Recommendation 53: That at the next meeting of the Council of the Federation (the Premiers of Canada's ten provinces and three territories), the Premier of Manitoba request placement on the agenda and the opportunity to speak to the unacceptably disproportionate number of Aboriginal children taken into care by child welfare authorities across Canada in comparison to non-Aboriginal children. Further, that if given the opportunity to speak to the matter, the Premier of Manitoba outline the severity and seriousness of the problem and the consequences for all of us, but particularly for Aboriginal children and families, if allowed to continue unabated; and that he explore whether collectively his colleagues are of a mind to take steps in search of a solution and a process for implementation of that solution over time.

Recommendation 54: That the Province amend *The Healthy Child Manitoba Act* to reflect the rights entrenched in the United Nations Convention on the Rights of the Child, in a manner similar to Alberta's *Children First Act*, stipulating that the well-being of children is paramount in the provision of all government services affecting children.

Recommendation 55: That the capacity of community-based organizations be enhanced by provision of sustained long-term funding to allow for delivery of holistic services, with particular emphasis on support for Aboriginal-led organizations and programs that promote cultural identity within Aboriginal communities.

Recommendation 56: That a legislated committee, functioning under the provisions of *The Healthy Child Manitoba Act* (in its present or amended form) be charged with:

- a) coordinating the services provided for children and families, between community-based organizations and government departments; and
- b) allocating government funding to those community-based organizations, following meaningful and inclusive consultation. It is understood that funding from the private sector and other levels of government will continue to play an important role, as it has done, in supporting these organizations;

and that the composition of this committee mirror the committee described by s. 21(3) of *The Healthy Child Manitoba Act*, which reflects Manitoba's various regions and cultural diversity and includes representatives of the community and recognized experts.

Recommendation 57: That child welfare agencies accommodate reasonable requests by parents or other caregivers and children and youth for participation of an individual they identify as a support in their dealings with the child welfare system.

Recommendation 58: That child welfare agencies meet regularly with community-based organizations that serve their clients, to discuss how they can best work together to meet the community's needs.

Recommendation 59: That the Healthy Child Committee of Cabinet consider and recommend for legislative action a framework for the delivery of early childhood development programs with the following characteristics:

- a) voluntary but universally available;
- b) offering a place where children regularly attend to learn with other children;
- c) staffed by trained educators who follow a defined curriculum; and
- d) Involving parents.

Recommendation 60: The legislative framework for delivery of early childhood development programs should also provide for establishment of integrated service delivery centres to provide a range of services in addition to early childhood education, including public health, employment and income assistance, housing, child welfare, and adult education. These integrated service centers should be located in existing infrastructures such as schools or facilities that house community-based organizations.

Recommendation 61: That government funding to support integrated service delivery centres be allocated, following meaningful and inclusive consultation, by a committee that mirrors the committee described by s. 21(3) of The Healthy Child Manitoba Act and reflects Manitoba's various regions and cultural diversity, including representatives of the community and recognized experts.

Recommendation 62: That Aboriginal culture and history, including the history of colonization and the impact of residential schools, be integrated into the provincial curriculum, including early childhood education and extending through elementary and secondary school.

