



Standing Committee on Oversight of Government Operations and Public Accounts

Report on the Review of the 2015-2016, 2016-2017 and 2017-2018 Annual Reports of the Representative for Children and Youth

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Introduction

Nunavut's *Representative for Children and Youth Act* was passed on September 17, 2013, by the 3rd Legislative Assembly of Nunavut.

Ms. Sherry McNeil-Mulak was appointed as Nunavut's first Representative for Children and Youth by the Legislative Assembly of Nunavut on June 2, 2014.

Section 35 (1) of the *Act* provides that "the Representative shall, within six months after the end of each fiscal year, prepare and submit to the Speaker of the Legislative Assembly an annual report on the conduct of the office and the discharge of the duties of the Representative during the preceding year."

The Representative's first Annual Report for 2014-2015 was tabled on May 30, 2016 and was reviewed by the 4th Assembly's Standing Committee on Public Accounts, Independent Officers and Other Entities. That Committee's report, tabled during the fall sitting of 2016, made the following recommendations:

- That the Representative for Children and Youth clearly outline what steps are taken and what processes are followed by her Office when addressing requests or inquiries relating to each of its core services;
- That the Representative for Children and Youth establish measures to track the success of her Office in addressing requests or inquiries relating to each of its core services;
- That the Representative for Children and Youth continue to explore options for incorporating Inuit culture and Inuit Societal Values into the structure and operations of her Office;
- That the Representative for Children and Youth continue to work towards ensuring that her Office's services are made available in a linguistically appropriate manner; and
- That the Representative for Children and Youth ensure that her Annual Report is tabled within the deadline specified in the legislation.

The Committee appreciates the efforts made by the Representative for Children and Youth to follow these recommendations.

The Representative's Annual Report for 2015-2016 was tabled on May 30, 2017; the Annual Report for 2016-2017 was back-door tabled on January 11, 2018 and tabled in the House on March 6, 2018; and the Annual Report for 2017-2018 was tabled on October 26, 2018.

The Standing Committee on Oversight of Government Operations and Public Accounts held its hearing on the 2015-2016, 2016-2017 and 2017-2018 annual reports of the Representative for Children and Youth on April 10, 2019. The hearing was held in the Chamber of the Legislative Assembly and was open to the public and news media to observe from the Visitors' Gallery as well as being televised live across the territory.

The transcripts from the standing committee's hearing may be downloaded from the Legislative Assembly's website.

The standing committee notes its appreciation to the Representative for Children and Youth and her staff for their attendance as witnesses during the hearing as well as to the witnesses from the departments of Family Services, Health, Education and Justice for their participation and contribution to the proceedings.

The 2015-2016, 2016-2017 and 2017-2018 annual reports of the Representative of Children and Youth include descriptions of the role of the office, the evolution of the office's advocacy work, activities over the years and a significant amount of background information. The standing committee appreciated the level of detail relating to initiatives undertaken across the territory. The 2015-2016, 2016-2017 and 2017-2018 annual reports of the Representative for Children and Youth also raised a number of issues and concerns with respect to the delivery of government services, programs, and policies for Nunavut's children and youth.

The standing committee's hearing format allowed for a comprehensive discussion of many of these issues, with departmental representatives having the opportunity to respond to specific areas of concern and to provide further insight on their working relationship with the Office of the Representative for Children and Youth in addressing the needs of children and youth across Nunavut and towards improving service delivery.

A number of central themes emerged from the standing committee's review of the 2015-2016, 2016-2017 and 2017-2018 annual reports of the Representative for Children and Youth. Observations and recommendations on these themes are discussed below.

Observations and Recommendations

Issue: Clarifying Child Rights

The mandate of the Office of the Representative for Children and Youth is guided by its enabling legislation, the *Representative for Children and Youth Act*, as well as such documents as the United Nations Convention on the Rights of the Child and National Advocacy Standards.

The Office of the Representative for Children and Youth is, by the nature of its mandate, focused on child rights and the Representative and her staff work towards ensuring that young people in Nunavut have their views heard and considered in all matters that affect their lives and to ensure that the government's services, programs, policies and legislation affecting children and youth are working to support the rights and best interests of young Nunavummiut.

The annual reports of the Representative for Children and Youth provide a number of examples of communications and outreach activities as well as community visits, in-service meetings and workshops with government agencies and school visits. The standing committee commends the Representative and her staff for their efforts in these areas.

Despite the Representative's outreach activities, standing committee members noted a lack of awareness of rights-based advocacy across Nunavut and, during the hearing, members addressed the concern that supporting the rights of children and youth may be perceived as somehow impacting the roles of adults, parents, grandparents and government authorities.

During the hearing, the Representative noted that there are some restrictions in the scope of her Office's mandate, with one of those restrictions being that the Office does not get involved in private family matters or disputes between private family members.

The Representative also noted that one of her office's biggest challenges during her term has been the "newness of introducing that concept of child rights and some of the misconceptions that are around it."

Some members of the standing committee expressed concerns that the focus on child rights may also be perceived as not taking into account the rights of parents, Elders or families as a whole. It was further suggested that discussions of what entails certain rights should also include discussions of inherent responsibilities.

In her testimony before the standing committee, the Representative stated:

“When we meet with community members, with young people, we have very important conversations around what rights are and what they are not, because there is some fear that rights mean the child can tell the parent what to do and kind of take over and those types of things, and those types of concerns. Rights are not about that and so we’re very clear in our conversations with people that the rights under the [United Nations Convention on the Rights of the Child] are those things that young people need to meet their basic needs in life and how government provides for those.”

Standing Committee Recommendation #1:

The standing committee recommends that the Office of the Representative for Children and Youth focus more communication and outreach efforts towards promoting the awareness of parents, grandparents and the general public about the concepts of child rights and the Office’s mandate.

Issue: Child Rights Focus

The Representative's formal opening comments identified a common trend in all of the annual reports under review:

"Year after year the largest number of issues brought to our attention pertain to the Department of Family Services; specifically, child protection."

As noted by the witness from the Department of Family Services, the department's high involvement in the cases handled by the Office of the Representative for Children and Youth is not surprising given the mandate of Family Services, which is to support children, youth and families.

Testimony provided by the Department of Family Services witness indicated:

"We do sometimes get pressure from the Representative in listening to the youth, and here is where our department may not always agree based on other information that we would have that the representative is not privy to, such as immediate family or other family situations. There is other private information.

"Although we value and accept the recommendations, the advice of the representative's office, they are very youth focused. We are family focused and also through our investigative authority, we have access to a little bit more information in certain cases. We still do value the representative's office. They speak a lot to the issues that matter the most to our department as well."

While the standing committee recognizes that work of the Representative for Children and Youth focuses predominantly on the rights of children and youth, it also recognizes that many government services focus on the rights of parents and families as well as the rights of children and youth.

Standing Committee Recommendation #2:

The standing committee recommends that the Office of the Representative for Children and Youth evaluate its processes for addressing advocacy cases and identify how those processes could be more holistic and make the necessary changes to better take into account the associated information and privacy restrictions faced by government service providers.

Issue: Coordination of Government Services

A consistent trend noted by the Representative for Children and Youth in all of the annual reports under review, is the inadequate coordination of care and services for Nunavut children and youth by government departments.

The *2015-2016 Annual Report of the Representative for Children and Youth* notes on page 32:

“Too often in our individual advocacy work in 2015-2016, our staff observed that professionals from various government departments were making decisions without coordinating their efforts. Without active coordination, government support is incomplete, not timely, and, sometimes, inappropriate because vital information is not shared.”

The *2016-2017 Annual Report of the Representative for Children and Youth* lists, on pages 19 and 20, four advocacy case samples which include narratives under the following headings:

“Lack of planning and communication with foster parents.”

“Gaps in child and youth mental health services.”

“Inadequate coordination of services.”

“Hearing and considering young people’s opinions.”

The *2017-2018 Annual Report of the Representative for Children and Youth* notes on page 21:

“March 31, 2018, marks two and a half years that individual advocacy services have been offered by our office. Over this period of time, the lack of coordination of services between GN departments and staff continues to be one of the major barriers to young Nunavummiut and their families accessing services.”

During the standing committee hearing, members heard from government witnesses that staff turnover, staff burn out, the high transiency of government workers and a lack of resources all contribute significantly to poor coordination in the delivery of services to children and youth across Nunavut.

As noted by the Representative during her testimony before the Standing Committee,

“The communication and coordination barriers exist throughout the entirety of government in my opinion. Where we see it the most and where it’s having the biggest impact on young people is out on the frontlines, but it also exists within middle management and other areas within government organizations as well.

There is no clear understanding from service providers in terms of how they can work together to support a shared client. There are certain protocols of working together within the government, but they’re very specific to certain situations.”

During the standing committee hearing, government witnesses discussed ways in which interagency and inter-departmental working groups currently work together to provide coordinated services for youth while recognizing that complications result from such circumstances as individuals taking direction from and reporting to different regulatory bodies and different information sharing protocols. It was suggested that greater collaboration could occur in the sharing of resources and training opportunities between departments and such affiliated agencies as the RCMP to improve the government’s child and youth focus in delivering services.

During her testimony, the Representative noted further:

I think, while there are pockets of protocols within this government that relate to certain subject matters, what we’re missing is a general interdepartmental protocol for the coordination of services for young people, generally speaking. People are hesitant without that good direction from government to work together because of professional obligations with respect to the maintenance of confidentiality, with respect to client information, with respect to upholding our own professional standards and the uncertainty of where this government sits with respect to the exchange of that information when services need to be coordinated for young people.”

In the absence of a comprehensive interdepartmental protocol for the coordination of services for young people, the standing committee commends the Office of the Representative for Children and Youth for its work in facilitating communication, information sharing and making connections between departmental service providers in order to achieve positive results for the children and youth receiving advocacy support through her office. To this end, the standing committee fully supports the recent establishment of communication protocols between the Office of the Representative for Children and Youth and the departments of the Government of Nunavut.

Standing Committee Recommendation #3:

The standing committee recommends that in the spirit of piliriqatigiinniq (working together for a common cause) and aajiiqatigiinniq (decision making through discussion and consensus) the Government of Nunavut work towards establishing a comprehensive interdepartmental protocol for the coordination of government services for young people across Nunavut.

The standing committee further recommends that the Government of Nunavut's response to this report, indicate which Ministry will take the lead in developing the interdepartmental communication protocol regarding services for children and youth and what will be the timeline will be for its implementation.

Issue: Lack of Resources

In her formal opening comments to the standing committee, the Representative stated that:

“Through our work on these cases, we have grown extremely concerned about the weakness of the current system to support vulnerable children and families in need of protection and care. There is a notable lack of investment in the area of family supports and prevention based initiatives.”

The standing committee learned that a number of initiatives have been undertaken by government departments to address specific identified gaps in service for children and youth as well as families. However, it was also clear that resources and the capacity to deliver child and youth focused programs are limited.

Key service areas identified as needing further investment included: child protection, foster supports, educational assessments, psychiatric and psychological services, child focused counselling, training in youth criminal justice options and rehabilitation services.

In her testimony before the standing committee, the Representative noted that:

“I think it’s fair to say that our office and the department [of Family Services] are on the same page with respect to concerns raised around capacity within the department. As Ms. Niego clearly identified, one of the issues, and we are in agreement with that, is that the social services workforce in Nunavut are generalists, so there’s no specialty. The variety, not just the caseload that they carry, but the variety of cases can be quite complex.

There’s definitely, from our perspective, a couple of things that we see the department doing and are really great signs, but there’s definitely additional significant investment that needs to be dedicated to this department.”

As noted by the witness for the Department of Family Services, business cases put forward by the department for additional funding have suffered from the lack of data and information. It is anticipated that the department’s new electronic case management system will provide the necessary data to support the development of stronger business cases going into the future.

Standing Committee Recommendation #4:

The standing committee recommends that the Government of Nunavut’s response to this report provide an explanation of what specific factors have led to a lack of resources being allocated to child and youth services and indicate what specific new investments will be included in upcoming budget allocations that will be dedicated to supporting comprehensive child and youth services across Government of Nunavut departments.

Issue: Supporting Inuit Culture, Language and Societal Values

In her formal opening comments to the standing committee, the Representative stated that:

“Over these years we have seen the percentage of Inuit working in our organization gradually increase from 38 percent to 50 percent. Our organization’s goal is to reach 63 percent Inuit employment in the upcoming years and to ultimately create a workforce that is representative of the population we serve. As an organization, we have also made a significant investment in building the language capacity of our staff by encouraging and supporting nine Inuktitut language training requests for both Inuit and non-Inuit staff. We look forward to continuing to support our staff as they advance their language skills over the upcoming years.”

The *2017-2018 Annual Report of the Representative for Children and Youth* introduces her Office’s Elder Advisors and notes on pages 13 and 16 that:

“Elders offer invaluable wisdom and perspective based on lived experiences and cultural teachings. To incorporate this knowledge into our work, the RCYO works with five Elder advisors from across the territory. Our Elder advisors are well-respected in their home communities and considered experts in Inuit culture and societal values, and firmly believe that this knowledge has a role to play in improving programs and services for children and youth.”

The standing committee commends the Representative for her efforts towards ensuring Inuit representation in her office and respecting Inuit Societal Values. However, standing committee members continue to have concerns regarding the Office’s ability to provide services across all Nunavut communities. The standing committee encourages the Office of the Representative for Children and Youth to continue working towards increasing its capacity to deliver services in the Inuit language.

Standing committee members further expressed concerns regarding the lack of linguistically and culturally relevant services provided to children and youth who may be placed in care outside of Nunavut.

In her testimony to the standing committee, the Representative indicated:

“Our office absolutely supports young people from Nunavut who have to leave the territory in order to receive services. So if it’s a child or a youth whose home base is here in the territory and they can’t be provided with the services by a given department and are sent out, then we can absolutely support them. The support might look a little differently because our legislation isn’t allowed, our law here isn’t allowed to cross the border, when that young person crosses the border, so it looks a little bit differently.

Rather than dealing directly with a service provider on the ground, a third party that's delivering services on behalf of the GN, we still work with the GN, the department back here on the ground to obtain information and updates and work on the file."

While the standing committee recognizes that the Representative's jurisdiction lies within the borders of Nunavut and the Office's work focuses on services provided by the Government of Nunavut, members were of the view that greater effort must be made to support Nunavut children and youth who are receiving government services outside of Nunavut.

Standing Committee Recommendation #5:

The standing committee recommends that in the spirit of aajiqatigiinniq (decision making through discussion and consensus) the Office of the Representative for Children and Youth work closely with Government of Nunavut officials and counterparts in other jurisdictions to find more ways to ensure that linguistically and culturally relevant support is provided to Nunavut children and youth who may end up in care outside of the territory.

The standing committee further recommends that the Office of the Representative for Children and Youth consider developing a process to monitor the services provided to Nunavut children and youth who are in care outside of the territory.

Issue: Annual Reports

The *Representative for Children and Youth Act* provides that the Representative shall, within six months after the end of each fiscal year, prepare and submit to the Speaker of the Legislative Assembly an annual report on the conduct of the office and the discharge of her duties during the preceding year.

The standing committee notes that the annual reports of the Representative of Children and Youth have consistently been tabled after the deadline specified in the legislation, with two annual reports being tabled over a year later. While the standing committee recognizes that such factors as translation, formatting and production all contribute to the delay in producing such reports, such lengthy delays are highly undesirable.

The standing committee is also somewhat concerned that little effort appears to have been made to take into consideration the comments made by the 4th Assembly's Standing Committee on Government Operations and Public Accounts regarding the format and production of the Representative's annual reports.

As indicated by the 4th Assembly's Standing Committee on Government Operations and Public Accounts following its review of the Representative's 2014-2015 annual report, the timely submission of annual reports ensures that their review can be conducted in a timely manner. In its Report on the Review of the Representative's Annual Report for 2014-2015, the Committee indicated;

“While pleasing to the eye, the heavy use of photographic and artistic images in reports and other such documents often involves additional production time, increased costs and requires the type of printing services that are often not available locally, leading to additional expense and potential delays in shipping and transportation. In the interest of saving time and cost, the Committee encourages the Representative to place greater emphasis on the substantive content of her annual reports.”

It should also be kept in mind that the Office of the Representative of Children and Youth receives annual funding from the Legislative Assembly and its annual reports are not only a means of accounting for past expenditures but can also be a means of providing data and information in support of requests for additional resources.

In her formal opening comments to the standing committee and throughout the hearing, the Representative provided additional statistics and detailed information on her Office's progress on advocacy cases that had been opened by her Office. This additional information was not included in the annual report.

In her testimony before the standing committee, the Representative noted:

“By the end of 2017-18 we opened 200 individual advocacy cases. We closed 151 of those, and of the 151, 122 have been successfully resolved. How do we close a case? The 122 that were closed, they’re closed under the category of successful resolution, so that means that the issue that was brought forward to our attention has been dealt with and addressed to our satisfaction, and we are ready to close that case. We can also close cases under other categories.

For instance: unable to contact. Of the 151, 16 cases were closed because we were unable to contact the client that we were working with and this can happen for a wide array of reasons. Our staff wait 20 business days and are required to make at least three contacts and be unable to reach the person for three attempts before they close. So those are not closed quickly by our office.

Another reason that we will close a case is because the client may decline advocacy services and that can happen right at the onset or it can happen at any point in the advocacy file. We have discussions with the client but ultimately it is their decision if they choose to close the advocacy file and decline further services.

The fourth reason that we would close a case... . Sorry, I’m going to backup for one second. Declining services accounts for four cases of the 151 that have been closed. The fourth and final reason is that all advocacy avenues have been exhausted by our office and no resolution has been attained, and that accounts for nine cases of the 151 that have been closed.”

It is the view of the committee that such data and information should be included within the annual reports to demonstrate specific and measurable outcomes of the Office’s individual advocacy work.

It was further noted that although the annual reports of the Representative for Children and Youth provided very comprehensive overviews of the Office’s work on systemic advocacy issues, little detail was included with respect to which specific systemic issues had been identified, how they had been addressed, what recommendations had been made to government departments to improve services to Nunavut’s children and youth and what, if any, improvements have been made as a result of the Office’s recommendations.

In her testimony before the standing committee, the Representative stated:

“First of all, with respect to monitoring, it’s the systemic team’s responsibility for monitoring in our office. They not only house all the systemic issues, conduct the investigations, but then they also hold responsibility for monitoring. All recommendations that are produced by our office, all formal recommendations, are documented in their database and it is their responsibility to ensure the office is kept abreast when updates are due and whatnot.”

The standing committee is of the view that information about the Office’s formal recommendations to departments of the Government of Nunavut should also be included in the Office’s annual reports in order that the members can follow up and ensure that they are being taken into consideration by the government.

Standing Committee Recommendation #6:

The standing committee recommends that the Representative for Children and Youth ensure that the Office’s annual reports are tabled within the deadline specified by the legislation, using whatever means necessary to shorten production times including simplifying the report’s presentation.

The standing committee further recommends that the annual reports of the Representative for Children and Youth include more specific data and information on its individual advocacy work that could be used to measure and evaluate the progress and success of the Office’s work.

The standing committee further recommends that the annual reports of the Representative for Children and Youth include more specific detail on the Office’s systemic advocacy work including any related advice or recommendations provided by the Office.

In her testimony before the standing committee, the Representative did commit to providing the standing committee with copies of her letters to the departments of Community and Government Services, Education and Family Services with respect to her observations on the implementation of recommendations made by the Auditor General of Canada. The committee continues to look forward to receiving those documents.