
Representative for Children and Youth

**An Independent Officer of the
Legislative Assembly of Nunavut**

Position Profile



Legislative Assembly of Nunavut

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www.assembly.nu.ca

REPRESENTATIVE FOR CHILDREN AND YOUTH

I. ENABLING LEGISLATION, PURPOSE AND MANDATE

The position of Representative for Children and Youth is established pursuant to section 2 of the *Representative for Children and Youth Act*. The Representative fulfills a range of responsibilities under the legislation.

The *Representative for Children and Youth Act* received Assent on September 17, 2013. Subsection 4(1)(b) of the statute is not yet in force.

The legislation provides that the primary purpose of the Representative for Children and Youth is to advocate for the rights and interests of children and youth and assist the Legislative Assembly and the Government of Nunavut in ensuring that the needs of children and youth are met.

The legislation prescribes a number of specific statutory duties for the Representative for Children and Youth. These include the responsibility to:

- Ensure that the rights and interests of children and youth, individually and collectively, are protected and advanced and that their views are heard and considered in matters affecting them by government departments and designated authorities;
- Ensure that children and youth have access to the services of government departments and designated authorities and that their concerns related to those services receive appropriate attention;
- Facilitate communication and understanding between children and youth and their families and those who provide them with services;
- Inform the public respecting the rights and interests of children and youth and the role of the Representative;
- Provide advice and recommendations to government departments and designated authorities about the effectiveness, responsiveness and relevance of legislation and policies related to children and youth; and
- Provide advice and recommendations to government departments and designated authorities about the availability, effectiveness, responsiveness and relevance of programs and services related to children and youth.

II. ACCOUNTABILITY TO THE LEGISLATIVE ASSEMBLY AND STATUTORY REPORTING REQUIREMENTS

The Representative for Children and Youth is appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly for a five-year term of office. The Representative may be reappointed for one further term of five years.

The Management and Services Board of the Legislative Assembly approves the remuneration and budgets of all independent officers of the Legislative Assembly. From time to time, the Management and Services Board may issue direction concerning the operations of offices of independent officers in respect to such areas as financial management, human resources management, contracting and procurement.

Under section 35 of the *Representative for Children and Youth Act*, the Representative is required to 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 annual report is tabled in the Legislative Assembly.

The Representative is expected to appear before a standing committee of the Legislative Assembly to account for his or her annual reports in a manner consistent with the reporting practices of other independent officers of the Legislative Assembly, including the Auditor General, the Languages Commissioner and the Information and Privacy Commissioner.

III. SPECIFIC ACCOUNTABILITIES

The following does not represent an exhaustive listing of the responsibilities of the Representative for Children and Youth. Rather, these accountabilities are the primary indicators against which performance will be measured in assessing the overall success of the office-holder.

The authoritative description of the role, responsibilities and statutory requirements of the position of Representative for Children and Youth may be found in the *Representative for Children and Youth Act*.

Statutory Functions

- Receive and review any matter in relation to the services of any government department or designated authority as the matter relates to any child or youth or to any group of children or youth that comes to the Representative's attention regardless of the source and advise, assist and advocate for the child, youth or group;

- Review any matter related to the death or critical injury of a child or youth¹;
- Mediate or use other collaborative processes in a manner consistent with Inuit culture and Inuit societal values to assist in resolving any dispute in relation to the services of any government department or designated authority as the dispute relates to any child or youth or group of children or youth;
- Engage in public outreach and education respecting matters affecting children and youth and the role of the Representative and raising awareness and understanding of the United Nations *Convention on the Rights of the Child*;
- Conduct systemic reviews of legislation, programs, policies and services of government departments or designated authorities as the legislation, programs, services and policies relate to children and youth;
- Monitor the application, use and incorporation of Inuit culture and Inuit societal values in legislation, programs, policies and services of government departments or designated authorities as the legislation, programs, services and policies relate to children and youth;
- Undertake research related to the advancement of the rights and interests of children and youth;
- Determine procedures related to the performance of the Representative's duties and the exercise of the Representative's powers under this Act; and
- Enter into written agreements with other representatives in provinces and territories who have similar responsibilities for children and youth in circumstances where Nunavut children or youth are receiving services from that province or territory or where children or youth from that jurisdiction are receiving services in Nunavut.

Management and Administration Functions

- The Representative for Children and Youth is accountable for the prudent management of the Office's financial and human resources in compliance with relevant statutory authorities, including the *Financial Administration Act*, the *Government Contract Regulations* and the *Public Service Act*.
- The Representative for Children and Youth is accountable for the development and submission of the Office's annual budget and business plan to the Management and Services Board of the Legislative Assembly for consideration and approval. The Representative for Children and Youth is

¹ As of January 1, 2019, this provision of the legislation is not yet in force.

accountable for ensuring that the contents of the annual business plan meet or exceed the requirements established in legislation and in any guidelines issued by the Management and Services Board, including, but not limited to:

- A detailed description of the Office's operating environment, statutory obligations and identified challenges;
 - A detailed description of the Office's goals and objectives for the upcoming fiscal year;
 - A detailed description of the Office's strategy for achieving its goals and objectives; and
 - A detailed rationale for the Office's proposed budget, including any requests for enhanced resources.
- The Representative for Children and Youth is accountable for the development and submission of the Office's statutorily-required annual report to the Legislative Assembly and for appearing before the appropriate Standing Committee of the Legislative Assembly to account for its contents. The Representative for Children and Youth is accountable for ensuring that the contents of the annual report meet or exceed the requirements established in legislation and in any guidelines issued by the Management and Services Board, including, but not limited to:
 - A detailed accounting of the conduct of the Office and the discharge of the duties of the Representative for Children and Youth during the preceding fiscal year, including the status of investigations undertaken by the Representative for Children and Youth;
 - A detailed accounting of the expenditures of the Office during the preceding fiscal year; and
 - A detailed accounting of the Office's success in meeting the goals and objectives in its annual business plan for the preceding fiscal year.
 - The Representative for Children and Youth is accountable for providing leadership to the employees of the Office in a manner that supports the fulfillment of the Office's mandate; and
 - The Representative for Children and Youth is accountable for evaluating employee performance and resolving disciplinary issues.

Public Information Functions

- The Representative for Children and Youth is accountable for ensuring that the Office develops and disseminates information to the general public concerning the roles and responsibilities of the Office; and
- The Representative for Children and Youth is accountable for ensuring that the Office maintains an up-to-date website that contains such information as the annual reports of the Representative for Children and Youth, relevant forms for the use of the general public and other information concerning the role of the Office.

For greater certainty, it is important to note that the Representative for Children and Youth does not have any powers or authorities under Nunavut's *Child and Family Services Act*. The office-holder does not have the authority to determine if a child is in need of protection nor is the Representative authorized to apprehend children or to hold children in care.

For greater certainty, it is important to note that the Representative for Children and Youth may not act as legal counsel to any person.

For greater certainty, it is important to note that the Representative for Children and Youth may not investigate or review review private family relationships and/or parental decisions.

IV. BUDGET

The Management and Services Board of the Legislative Assembly approves the remuneration and budgets of all independent officers of the Legislative Assembly. From time to time, the Management and Services Board may issue direction concerning the operations of offices of independent officers in respect to such areas as financial management, human resources management, contracting and procurement.

Financial and Human Resources

2018-2019 Operations and Maintenance (O&M) budget: **\$2,130,000.**

The Representative for Children and Youth has the authority to hire full-time and casual employees and engage counsel, experts and other persons to carry out the functions of the Office. Employees of the Office of the Representative for Children and Youth are members of the Nunavut Public Service. Hiring practices and procedures are conducted in compliance with all relevant Government of Nunavut authorities, including the *Public Service Act* and the *Human Resources Manual*.

V. PROFESSIONAL DEVELOPMENT AND ASSOCIATIONS

The Representative for Children and Youth will be an active member of the Canadian Council of Child and Youth Advocates (CCCYA):

<http://www.cccya.ca/>

The Representative for Children and Youth will participate in the Council's annual meetings to remain current with developments and best practices in other Canadian jurisdictions. The Representative for Children and Youth is expected to remain current with relevant literature in the fields of child and youth development, welfare, education, justice, health and social services.

VI. TERMS AND CONDITIONS

The Representative for Children and Youth is appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly for a five-year term of office. The Representative may be reappointed for one further term of five years. The Commissioner of Nunavut, on the recommendation of the Legislative Assembly, may, for cause or incapacity, suspend or remove the Representative.

The Management and Services Board of the Legislative Assembly approves the remuneration of all independent officers of the Legislative Assembly. Pursuant to section 8 of the *Representative for Children and Youth Act*, the Representative is not a member of the public service. However, the Representative is deemed to be a member of the public service for the purposes of superannuation.

A comprehensive remuneration package is provided for this five-year statutory appointment. Although the Representative is not considered to be a member of the public service within the meaning of the *Public Service Act*, the remuneration and benefits package for the position is generally equivalent to that which is provided to senior managers in the territorial public service. The detailed terms and conditions of employment and the associated benefits will be specified in the contract of employment.

The Office of the Representative for Children and Youth is physically located in Iqaluit, Nunavut. The premises are shared with the Office of the Languages Commissioner of Nunavut. The Representative is required to reside in Iqaluit.

VII. COMPETENCIES

Section 6 of the *Representative for Children and Youth Act* provides that:

Criteria for selection

6. (1) Before recommending the appointment of a person as the Representative, the Legislative Assembly shall consider the skills, qualifications and experience of the person, including his or her

- (a) understanding of Inuit societal values, culture, language, traditions, beliefs and history;
- (b) experience in areas such as child and youth development, welfare, education, justice and health services; and
- (c) understanding of and willingness to respond to the needs of children and youth in Nunavut.

Additional criteria

(2) The Management and Services Board may establish additional qualifications or prerequisites to be considered when appointing the Representative.

In addition to the skill and knowledge requirements for the role, the Representative must have the proven ability to apply a balanced and objective approach to carrying out the office's duties in a manner that demonstrates sound judgment, fairness, integrity and tolerance.

The Representative must be able to carry out his or her functions with the dignity befitting an Independent Officer of the Legislative Assembly of Nunavut.

1. Credentials

The Representative for Children and Youth should have a post-secondary qualification in a relevant field of study, such as social work, law or education.

2. Knowledge/Experience

- Understanding of Inuit societal values, culture, language, traditions, beliefs and history.
- Understanding of the Canadian parliamentary system, an understanding of the unique characteristics and practices of the Legislative Assembly of Nunavut and respect for such concepts as Parliamentary Privilege;

- Knowledge of administrative law, including the application of the principles of natural justice in the conduct of formal reviews and investigations;
- Experience in working with children's programs and services in areas such as criminal justice, social services, education or social advocacy; and
- Experience in understanding and interpreting legislation for the benefit of client groups.

3. Skills and Abilities

- Proficiency in both the Inuit Language and English is a definite asset;
- Strong problem-solving skills, including a demonstrated ability to conduct fair and impartial investigations;
- Strong analytical and decision-making skills;
- Strong mediation and negotiation skills;
- Effective writing skills, including the ability to prepare meaningful reports in terms that are understandable to a variety of audiences; and
- Strong financial and human resources management skills, including the ability to motivate and lead teams in achieving common objectives.