

**Response to Standing Committee on
Oversight of Government Operations and Public Accounts**

Submitted by the Representative for Children and Youth's Office

October 2, 2019



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NUTAQQANUT INULRAMIRNULLU
UQAQTIKHAANIK

REPRÉSENTANT DE
L'ENFANCE ET DE LA JEUNESSE

REPRESENTATIVE FOR
CHILDREN AND YOUTH

The Representative for Children and Youth's Office (RCYO) extends its thanks to the Standing Committee on Oversight of Government Operations and Public Accounts (standing committee) for providing the opportunity to discuss our work. We are pleased to provide the following response to the standing committee *Report on the Review of the 2015-2016, 2016-2017 and 2017-2018 Annual Reports of the Representative for Children and Youth*.

As requested, copies of the letters the RCYO provided to the Department of Community and Government Services, the Department of Education, and the Department of Family Services regarding their implementation of the Auditor General of Canada recommendations are appended to this response.

1. CLARIFYING CHILD RIGHTS

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.

Response:

The RCYO agrees with the standing committee's recommendation. Prior to our appearance at Standing Committee on April 10, 2019, and as per our 2019-2020 business plan priorities, we committed to:

- explore additional ways to engage parents and families in the office's work
- evaluate the level of general awareness of the office and its mandate
- evaluate the effectiveness of the office's promotional materials

To assist us in this work, we spoke with our Elder advisors about appropriate messaging to share with parents and families regarding our office and child rights. Also, on April 4, 2019, we met with members of Tuttarviit, who provided comments on our messaging and information materials. Tuttarviit expressed an interest in further discussions and we intend to meet with them again as we update our information materials.

As per our 2019-2020 business plan priority, development of a family advocacy workshop is underway. The workshop will explain child rights, provide parents and families with information on how to advocate for their children and themselves, and information on how to navigate government systems. This family advocacy workshop will become a part of our regularly scheduled community visits.

As indicated in our 2018-2019 annual report, parents or family members brought thirty-four percent of all individual advocacy matters to our attention, (p. 17). This is a nine percent increase over the previous year. We believe this number will continue to increase with ongoing public awareness and outreach

efforts about our office and mandate. Also, one hundred percent of parents who completed our client satisfaction survey would recommend our office to others, (p. 20).

As a result of the standing committee's feedback provided during our appearance, we included the following information in our 2018-2019 annual report in an effort to improve public awareness of the concept of child rights:

- a plain language explanation of child rights (p. 2)
- page footers that highlight specific child rights as per the United Nations *Convention on the Rights of the Child* and, whenever possible, choose a right that connects to the main text on the page
- case samples that highlight the themes we have seen in our individual advocacy work that also include family or guardian involvement (p. 17-19)

Further, *Our Minds Matter: A Youth-Informed Review of Mental Health Services for Young Nunavummiut* connects each recommendation made by our office to the right, as per the United Nations *Convention on the Rights of the Child*, that the recommendation directly supports. These connections aim to increase awareness and improve understanding of children's rights.

2. CHILD RIGHTS FOCUS

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.

Response:

The *Representative for Children and Youth Act* (RCYA) details the duties and powers of the RCYO. It states that the mandate of the office is 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.

When advocating on behalf of young Nunavummiut and their families, there are only two government privacy restrictions that apply to information requests from the RCYO:

- i. solicitor client privilege, and;
- ii. secret or confidential Cabinet information, which, if disclosed, could be harmful to the public interest.

Under section 26 of the RCYA our office has the legal authority to request and receive information that would normally not be shared, such as medical records, social services files, education records, and youth criminal justice records.

The *Access to Information and Protection of Privacy Act* does not apply to information requests made by our office, and withholding requested information, except those items noted in i) and ii) above, is a breach of the RCYA.

Our office has dedicated significant resources to ensuring that departmental staff, from the front-line to senior management, are aware of their obligations under the RCYA and we continue to share that information at every opportunity.

The following testimony provided by the Department of Family Services on April 10, 2019, is very concerning to the RCYO; “the representative’s office, they are very youth focused. We are family focused and also through our investigative authority, we have access to a bit more information in certain cases”.

The admission that information, relevant to decisions being made about our mutual clients, is being withheld from the Representative is a violation of Section 23 of the RCYA. Section 23 states that the Representative may collect information that “is necessary to carry out his or her duties and exercise his or her powers.” Therefore, the obligation to provide all relevant information so that the RCYO can provide holistic advocacy for children and youth rests with departments.

The RCYA and the *Child and Family Services Act* contain many of the same principles.

RCYA, Principles, Section 5:

- a) decisions and actions concerning children and youth must be made in accordance with the best interests of children and youth;
- e) relationships between children and youth and their families must be respected and, wherever possible supported and strengthened;
- f) efforts must be made, wherever possible, to involve and obtain the support of families in decisions and actions concerning children and youth;

Child and Family Services Act, Section 2:

- a) the paramount objective of this Act is to promote the best interests, protection and well-being of children.

We will continue to evaluate our processes to ensure that we are upholding the principles and responsibilities set out in the RCYA. We call upon the Department of Family Services to ensure they are providing information in accordance with the RCYA and recognize that although our roles and duties may be different, our focus is the same — the best interests of young Nunavummiut. We will continue to communicate information to all government departments regarding their responsibilities under the RCYA.

3. COORDINATION OF GOVERNMENT SERVICES

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.

Response:

The RCYO is pleased with this recommendation from the standing committee as it aligns with recommendation 14 in the RCYO's *Our Minds Matter: A Youth-Informed Review of Mental Health Services for Young Nunavummiut*.

4. LACK OF RESOURCES

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.

Response:

The RCYO supports this recommendation. Specifically, we support new investments in training staff in a timely manner, and the development and delivery of preventative services that support children and families in their homes. We anticipate these investments could reduce the number of children being brought in to the care of the Director.

5. SUPPORTING INUIT CULTURE, LANGUAGE AND SOCIETAL VALUES

The standing committee recommends that in the spirit of aajiiqatigiinniq (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.

Response:

The availability of linguistically and culturally-relevant, out-of-territory supports for young Nunavummiut receiving services is one of many issues noted in our systemic database. We will carefully consider all of the systemic issues brought to our attention when selecting the topic for our next formal review.

Monitoring services provided to Nunavut's children and youth who are in care outside of the territory is the responsibility of the government department that has contracted the services. This is a quality assurance measure that each department should have in place.

The RCYO will continue to advocate for linguistically and culturally-relevant services when applicable to our advocacy work.

6. ANNUAL REPORTS

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.

Response:

Our 2018-2019 annual report was backdoor tabled on September 27, 2019. Our 2017-2018 annual report was delivered to the Office of the Legislative Assembly of Nunavut on September 28, 2018. Our office neglected to request, under Rule 44(2) of the Legislative Assembly of Nunavut, that the report be backdoor tabled. RCYO staff have worked, and will continue to work, diligently to ensure the timely delivery of the office's annual report.

In order to respect confidentiality, as required under the RCYA, we have presented individual advocacy case information in one or more of the following ways in our annual reports:

- statistical data;
- anonymized case samples that highlight themes or trends in our work, and;
- narrative text, to further explain themes or trends.

One way we evaluate the progress and success of our work is by regularly administering client satisfaction surveys. These surveys assist us in determining quality assurance in our individual advocacy work and help us measure how young people, parents and or guardians, and service providers view our supports. For the past two fiscal years, we have published the results of our client satisfaction surveys in our annual report and we will continue to do so.

As a result of the standing committee's feedback during our appearance and to further assist in evaluating our work, additional case closure information has also been provided in our 2018-2019 annual report, (p. 19). Additionally, the systemic section of our 2018-2019 annual report includes details on informal systemic advocacy topics our office has worked on (p. 24-26), as well as information and updates on the monitoring of recommendations (p.27-31).

The RCYO appreciates the guidance provided by the standing committee and will continue to reflect on and action the advice of the committee as we evaluate and improve our advocacy services for young Nunavummiut and their families.

Sincerely,

A handwritten signature in blue ink that reads "Jane Bates". The signature is written in a cursive style with a large initial "J" and "B".

Jane Bates
Representative for Children and Youth



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February 22, 2019

Constance Hourie
Deputy Minister, Department of Community and Government Services
Government of Nunavut
P.O. Box 1000, Station 700
Iqaluit, NU X0A 0H0

Dear Deputy Minister Hourie,

Since 2015, the Representative for Children and Youth's Office (RCYO) has made it a priority to monitor the Government of Nunavut's progress on the recommendations from the Office of the Auditor General (OAG) of Canada's 2013 report on *Safety of Schools and Childcare Facilities in Nunavut*. In this report, the OAG made a number of recommendations to the Department of Education and the Department of Community and Government Services (CGS). It was important for our office to monitor these recommendations since they highlighted a number of substantial deficiencies, which could have serious impacts on children and youth if left unaddressed. I am writing today to share information with you about the RCYO's monitoring of CGS' progress on these recommendations.

To gain an understanding of the progress that CGS has made with respect to these recommendations, RCYO staff requested information from CGS staff throughout 2017 and 2018. This information was provided to the RCYO through phone and email exchanges with departmental staff. Although this was not a formal assessment, our office's review of the information provided by the department indicates that while progress has been made, it appears that areas for improvement remain.

One of the OAG's recommendations was that CGS "should ensure that fire inspections of childcare facilities are carried out in accordance with its internal procedures." According to the OAG report of 2013, "the Department's internal procedures indicate that inspections are to be performed twice a year." Information received from CGS in 2017 stated that, "Fire prevention inspections will be conducted once per year as a minimum and if budgets and circumstances allow for it, they will be inspected twice per year." As part of the monitoring of the OAG's recommendations, the RCYO requested the dates of fire inspections during the years 2015, 2016, and 2017, for seven randomly chosen childcare facilities. The information provided by CGS demonstrated that fire inspection reports were not produced for three of the seven childcare facilities in 2016, and for two of the seven childcare facilities in 2017.

In the section of the OAG's report that focused on the safety of schools, the OAG recommended, in part, that CGS "ensure that all its inspections are carried out in accordance with its internal procedures". At the time of the OAG's report in 2013, CGS's internal procedures indicated that fire inspections were to be carried out twice a year in schools. In 2018, CGS advised our office that "fire inspections for schools (2x/year) has been achieved." Focusing on fire inspections, we requested fire inspection dates for the years 2015, 2016, and 2017 for seven schools chosen at random by our office. The information provided by the Office of the Fire Marshal did not support the statement that fire inspections for schools twice per year had been achieved, as the information indicated that most schools were inspected once per year. Further, there were no fire inspection reports produced for one of the schoolsⁱ in 2015 and 2016.

The OAG report speaks to the importance of carrying out inspections to ensure the safety of occupants in childcare facilities and schools. The information received from CGS notes that in years where there are no fire inspections dates listed, it is because "there was no inspection report produced". This makes it unclear if the inspection was conducted and there is no substantiating documentation, or if the inspection was simply not conducted. This is of concern to our office. Inspections must be done to protect children and youth in their childcare facilities and schools, and the documentation to substantiate that these inspections occurred must be completed.

While our monitoring of the recommendations in the OAG's 2013 report on the *Safety of Schools and Childcare Facilities* has formally concluded, we encourage you and your team to monitor and advance your department's progress on meeting these important recommendations. Further, we encourage your department to work collaboratively with the Department of Education to ensure Nunavut's schools and childcare facilities are safe spaces for young Nunavummiut to grow and learn.

We look forward to continuing to work with you and your staff to protect and advance the rights of children and youth in Nunavut and improve the services they receive.

Regards,



Sherry McNeil-Mulak
Representative for Children and Youth

CC: Lynn Matte, Director of Child and Youth Advocacy Services
Katie Didham, Senior Systemic Investigator/Researcher

ⁱ Netsilik Ilihakvik in Taloyoak, NU.



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February 14, 2019

Louise Flaherty
Deputy Minister, Department of Education
Government of Nunavut
P.O. Box 1000, Station 900
Iqaluit, NU X0A 0H0

Dear Deputy Minister Flaherty,

Since 2015, the Representative for Children and Youth's Office (RCYO) has made it a priority to monitor the Government of Nunavut's progress on the recommendations from the Office of the Auditor General (OAG) of Canada's 2013 report on *Safety of Schools and Childcare Facilities in Nunavut*. In this report, the OAG made a number of recommendations to the Department of Education and the Department of Community and Government Services. It was important for our office to monitor these recommendations since they highlighted a number of substantial deficiencies, which could have serious impacts on children and youth if left unaddressed. I am writing today to share information with you about the RCYO's monitoring of the Department of Education's progress on these recommendations.

To gain an understanding of the progress that the Department of Education has made with respect to these recommendations, RCYO staff requested information from departmental staff throughout 2016, 2017, and 2018. This information was provided to the RCYO during in-person meetings, and through phone and email exchanges. Although this was not a formal assessment, our office's review of the information provided by the department indicates that while progress has been made, it appears that areas for improvement remain. These areas include the following:

- Review of inspection dates (2013-2017) for childcare facilities across the territory indicated that not all inspections were carried out annually, as required by the *Child Day Care Act* and as recommended by the OAG.
- Our office was advised that following the OAG's report, the Department of Education's protocol on the number of annual fire evacuations was changed to be consistent with the National Fire Code's requirement, and that "each school is required to conduct six fire evacuations each school year. Each school must conduct three in the fall and three in the spring." Review of fire evacuation drills for eight randomly chosen schools for the 2016-2017 school year revealed that:

About the Representative for Children and Youth's Office (RCYO): The RCYO is an independent child and youth advocacy office that ensures the Government of Nunavut supports and protects the rights and best interests of young Nunavummiut. Please visit our website at www.rcynu.ca

- One of the eight schools met the requirement (three drills per season)
- Two schools may have met the requirement (at least six evacuation drills were completed, although the season in which the drills were completed was not specified).
- Five of the eight schools did not meet the requirement.

Furthermore, one of the OAG's recommendations was that "the Department of Education should ensure that corrective action is taken on all non-compliance issues identified in childcare facility inspection reports before it issues licenses." While the OAG's recommendation pertained to all issues of non-compliance, the department advised our office that the type of non-compliance issue and its severity is considered when determining whether or not to license a facility, or whether to revoke or suspend a license. Although the department advised that there are two main areas that may immediately suspend or revoke a license (any safety issues, or no liability insurance), it appears that the Department of Education is using discretion with respect to issues of non-compliance and the licensing of childcare facilities. This discretion is of concern to our office and we encourage the Department of Education to revisit how issues of non-compliance are managed to ensure the safety of young Nunavummiut.

While our monitoring of the recommendations in the OAG's 2013 report on the *Safety of Schools and Childcare Facilities* has formally concluded, we strongly encourage you and your team to conduct regular meetings to monitor and advance your department's progress on meeting these important recommendations. Further, we encourage the Department of Education and the Department of Community and Government Services to continue to work together to ensure Nunavut's schools and childcare facilities are safe spaces for young Nunavummiut to grow and learn.

As always, we look forward to continuing to work with you and your staff to protect and advance the rights of children and youth in Nunavut and improve the services they receive.

Regards,



Sherry McNeil-Mulak
Representative for Children and Youth

CC: Lynn Matte, Director of Child and Youth Advocacy Services
Katie Didham, Senior Systemic Investigator/Researcher



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February 6, 2019

Ms. Yvonne Niego
Deputy Minister
P.O. Box 1000, Station 1250
Iqaluit, NU
X0A 0H0

RE: Office of the Auditor General Recommendations

Dear Ms. Niego:

As you are aware, since 2015 the Representative for Children and Youth's Office (RCYO) has made it a priority to monitor the Government of Nunavut's progress on the recommendations from the Office of the Auditor General (OAG) of Canada's reports on:

- Children, Youth and Family Programs and Services in Nunavut (March 2011)
- Follow-up Report on Child and Family Services in Nunavut (March 2014)

It was important for our office to monitor these recommendations since they highlighted a large number of substantial deficiencies, which could have serious impacts on children and youth if left unaddressed.

Over the course of our work, our staff carefully followed the progress from the Department of Family Services (DFS) with respect to the OAG's recommendations. In doing so, RCYO staff reviewed the department's responses to the OAG, reports from the Standing Committee on Public Accounts, Independent Officers and Other Entities, and the Quality Protects Action Plans (QPAPs). RCYO staff also requested supplementary information directly from the department. This information was provided to the RCYO during in person meetings, and through phone and email exchanges.

Although this was not a formal assessment, the information reviewed to date, in combination with individual and systemic advocacy issues reported to the RCYO that relate to DFS, indicate that significant shortcomings remain with respect to DFS's progress in meeting the OAG's recommendations from the 2011 and 2014 reports.

Since the RCYO opened in September 2015, individual advocacy cases involving DFS have accounted for 70% of all cases. Further, of the individual advocacy cases involving DFS, 94% pertain to child protection

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issues. Disappointingly, many of these issues are the same ones identified in the OAG reports. This clearly illustrates that more work must be done by the department to ensure children and youth are receiving adequate services and that the OAG recommendations are properly addressed.

The RCYO recognizes the magnitude of the work required to meet the OAG recommendations, and acknowledges that some progress has been made. However, these efforts are not sufficient — particularly when considering they were identified eight years ago and that most issues, if not addressed and corrected, can have a long-lasting negative impact on the lives of children and youth. When young people face adversity and require help, it is imperative that the services designed to safeguard and support them are adequate.

While the RCYO's monitoring of the recommendations in the OAG's 2011 and 2014 reports has formally concluded, our office is committed to continue to raise issues of concern that relate to these recommendations to your attention. Moreover, we strongly encourage you and your team to conduct regular meetings to review, measure, and advance your department's progress on meeting these important recommendations.

As always, we look forward to continue to work with you and your staff to improve services for children and youth in Nunavut.

Regards,



Sherry McNeil-Mulak
Representative for Children and Youth

CC: Sol Modesto-Vardy, Assistant Deputy Minister
Lynn Matte, Director of Child and Youth Advocacy Services
Nancy Pellerin, Senior Systemic Investigator/Researcher