

BN-2015-00431

Regular Circulation

Premier J. Browne

J. Mullaley P. Burt

T. King C. Evans

M. MacPherson V. Hayden

H. MacLean D. Hynes

M. Brown J. Paddock

P. Morris

September 28, 2015

Information Note
Child, Youth and Family Services (CYFS)

Title: Revised MOU “Working Relationship Agreements” between CYFS and Sheshatshiu Innu First Nation (SIFN) and Mushuau Innu First Nation (MIFN)

Issue: To provide an update on a process for how CYFS will work with the MIFN and SIFN in support of improved child protection service delivery.

Background:

- MC2010-0260 approved the organizational structure and budget for the new department of CYFS. The Cabinet Paper (CYFS2010-001) noted that a dedicated team would be established to look at options for service delivery in Labrador, specifically in the Innu and Inuit Zones, in light of the unique challenges in this area, particularly for child protection. This dedicated team was designed to engage Aboriginal leadership in recognition of the importance of their input but also to provide capacity building in the event that devolution proceeds in the future.
- Originally it was thought the new service delivery model might be a series of concrete changes to CYFS structures or program delivery on the ground. Through discussion among Working Group members, involving aboriginal leaders and CYFS, it became clear that what was needed was a new way of working together which resulted in the development of a Memorandum of Understanding (MOU) for Planning and Service Coordination.
- These individual MOUs were developed and signed on November 6, 2012 between CYFS with the SIFN and MIFN as well as with the Nunatsiavut Government (NG). The goal of the current MOU is to improve planning around the safety and placement of aboriginal children and youth, as well as to enhance service coordination and delivery. The principle components of the current MOU are:
 - a process for sharing information on children and youth who are currently on CYFS caseload; and,
 - a separate committee for each First Nation as well as the NG called a Planning Circle, with consistent representation from each aboriginal organization and CYFS, to review this shared information regularly in order to identify specific and practical ways to improve service delivery within the communities and for children and youth on CYFS caseload.
- Sharing of information is not a new policy as it has been done on an informal, sporadic basis on individual cases between employees of CYFS and Aboriginal organization to assist clients for many years.
- Unfortunately, operationalizing the MOU, including the establishment of the Planning Circle processes in 2013 in Sheshatshiu and Natuashish, despite best efforts by all parties, has not achieved the successes and outcomes as envisioned. The leadership in the communities has continuously expressed displeasure with the process and in fall 2014 requested CYFS to work with them to develop a new MOU agreement, one that they felt would be more reflective of their realities in supporting capacity building and improving service coordination.

- A new draft MOU “Working Relationship Agreement” (the Agreement) in Appendix A with the Innu has been in development for several months and outlines more specifically the activities that will be undertaken to improve service coordination and information sharing. A companion service delivery handbook is also under development which will provide specific examples of how working together will be achieved. The Planning Circle process has been replaced with a Joint Committee process which although similar to the Planning Circle process, has more clearly defined specific case planning and coordination functions.
- Reference to the Innu Healing Strategy (2014) is also more prevalent in the new Agreement. This was identified to be important in that while CYFS is guided by legislation in decision making regarding the protection of children and youth, so too does the Innu leadership have responsibilities to uphold and be accountable in support of its members.
- Another notable change requested by the Innu leadership in the new Agreement is an expanded role of the Innu Round Table Secretariat to be a named party in the agreement. The Innu view this as another important step to supporting a future devolution of child protection services.
- As in the former MOU, the new Agreement will include planning only for children, youth and their families who are members of the SIFN and MIFN normally resident at Sheshatshiu or Natuashish, respectively. At this time, the new Agreement will not include members who may permanently reside in other areas in the province; however, this can certainly be considered at a future time.
- The new Agreement language continues to acknowledge that CYFS is responsible for child protection under provincial legislation and while the Agreement seeks to ensure meaningful contribution from Innu representatives to CYFS decision-making, CYFS remains solely responsible to make decisions. However, the new Agreement does contain language such as all parties will make their best efforts to reach consensus in the best interests of children and their families. The handbook under development will provide the necessary context for both Innu and CYFS staff regarding its interpretation.
- Prevention Services are also a component of this Agreement and while this is not a specific mandate for CYFS, there is an important contributory role for CYFS in assisting wherever practical and applicable which is outlined in the new Agreement. It should be noted that the Agreement states CYFS is not taking over responsibility for prevention services, rather GNL will continue to support the Innu Nation’s request to the Government of Canada for funding to develop and deliver prevention services in their communities.
- As with the previous MOU, this Agreement makes provision for either party to terminate or request a review of the Agreement.
- CYFS recognizes the challenges regarding capacity of the Innu leadership and its employees to carry out all the commitments of this Agreement. A pilot project funded by CYFS to support the creation of a CYFS Liaison function within the Innu Nation will be implemented

in 2015/16 fiscal year (for a period of six months) following signing of this Agreement. When the Agreement is signed, a grant will be issued to the Innu Nation to employ an individual experienced in child protection matters to assist for a six month period, commencing October, 2015. Budgetary considerations and project effectiveness will determine whether CYFS will consider funding beyond the current commitment in the Agreement.

- JPS and LAAO have participated in the discussions leading to the development of the new Agreement and are in support of a new structure with the Innu Nation communities. There has been caution raised with CYFS including language such as “trying to build consensus” and “best efforts” in decision making due to its perceived ambiguity; however, CYFS clearly identifies its legislated responsibilities in this Agreement and is developing a handbook to provide clear examples where applicable. CYFS is prepared to manage within this Agreement in an effort to enhance service delivery on the front line in these two communities. Should risks emerge which has a direct impact on CYFS’ mandate and responsibilities, CYFS will consider termination of the Agreement.
- The existing MOU (signed in November, 2012) with the NG has demonstrated to be effective in improving service coordination and information sharing. Regular meetings have been occurring and progress is evident. However, NG has also indicated an interest in renewing the MOU agreement with a view to including language of the new draft Innu Agreement. A separate discussion will be occurring with the NG in the coming months to strengthen the current agreement, where deemed appropriate.
- While final confirmation has not been received by the Innu Aboriginal leadership, in anticipation of a favorable response, a signing is tentatively planned for September 29, 2015 when the leadership is in St. John’s for the quarterly Innu Round Table Secretariat meetings.

Action Required:

- This note is submitted for information purposes.

Prepared/approved by: D. O’Brien/ R. Cochrane

Reviewed by: H. Khurana/P. Burt, Cabinet Secretariat

Ministerial approval: Received from Hon. Sandy Collins

September 28, 2015

Cabinet Secretariat Comments:

- LAAO advises that the Innu Healing Strategy is an Innu-led document that was developed by the Innu with funding from the federal government. LAAO also notes that in light of the capacity challenges experienced by the Innu, the Innu Round Table Secretariat is working towards building broader capacity development, supported by federal funding, as the federal government has a constitutional and fiduciary responsibility for Aboriginal people.

- 
- CYFS advises that based on feedback from JPS the draft Agreement has been amended to include: *"This Agreement is a statement of intent by the Parties and is not legally binding nor does it effect a transfer of jurisdiction, program responsibilities, or any other responsibility between or amongst the Parties."* CYFS is still awaiting confirmation from the Innu leadership with respects to this amendment.
 - The Communication Branch concurs with CYFS's suggested approach to issue a news release and hold a photo opp involving the partners in the MOU. The Communications Branch also suggests developing messaging to address why this is required, the continued maturation of the relationship, as well as the series of supports that are in place to support Innu children. It is also recommended that the Child Youth Advocate be informed in advance of the MOU being signed. CYFS concurs.