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November 30, 2016

Information Note**Department of Children, Seniors and Social Development (CSSD)**

Title: Release of a Report Entitled *A Stolen Life* by the Office of the Child and Youth Advocate (OCYA)

Issue: To provide an overview of the Office of the Child and Youth Advocate's investigative report, *A Stolen Life*, to be released November 30, 2016.

Background and Current Status:

- In May 2014, the OCYA launched an investigation into the death of a four month old child in Sheshatshiu (not disclosed in report) which occurred in October 2013. The family (mother, mother's boyfriend, and two children) was receiving protective intervention services from 2010 to present. The autopsy report indicated the cause of death was blunt force trauma to the head. The mother's boyfriend was subsequently arrested and charged with second degree murder however the charges were dropped following the loss of essential evidence. At the time of the death, the child was under a safety plan signed by the mother's boyfriend and the child's sibling was residing with the grandparents.
- The report identifies the primary issues in CSSD service delivery as: lack of collaboration, communication and information sharing; documentation deficiencies; lack of comprehensive assessment, intervention and follow up; and challenges to service provision specifically in Labrador. The Advocate notes that while the policies have been updated to respond to previous reports, these policies and procedures may not be consistently applied in practice in Labrador communities.
- The report includes reference to interviews with CSSD staff and relatives of the family. CSSD staff note high caseloads, difficulty with completing documentation, and staff turnover as the major problems with service delivery.
- The report contains a total of seven recommendations to Government departments (see Annex 2: Recommendations). A total of six recommendations are assigned to CSSD, with one of the six recommendations jointly assigned to CSSD and JPS (Recommendation #3).
- In addition to the seven recommendations, the OCYA indicated there were six recommendations made in previous investigative reports that were applicable to the family in the current report (see Annex 3: Previous Recommendations). The Advocate reports that despite actions taken by departments and agencies to address the previous recommendations, it is evident in this investigation that they continue to be an issue in practice.

Analysis:

- The findings of the report are similar to the findings of a report released by the Auditor General in October 2016 which identified a range of issues pertaining to child protection service delivery including social worker documentation and case management practices.
- While the OCYA highlights persistent issues related to six previous recommendations that were considered to be implemented or partially implemented, it is noted that the recommendations were received from the Advocate after the incident in the report occurred.

- The Advocate's findings highlight the challenges of service delivery in isolated, rural and remote communities given recruitment challenges and the uniqueness of service delivery (e.g. large population of aboriginal children in Labrador).
- Numerous instances are highlighted in the report where documentation was not completed; where monitoring, home visits and follow-up were not performed; and where risk management, safety plans and assessments were not completed, and when completed they were not within the established timelines noted in the child protection policies. The Advocate concludes that these factors contributed to the preventable death of a four month old child.
- The report notes caseload demands and inadequate staffing continue to be significant factors affecting social workers' ability to meet standards. The social worker/caseload ratio in Sheshatshiu continues to be 1 to 37, which is currently the highest of any community in Newfoundland and Labrador. It is noted that in September 2013 the social worker/caseload ratio in this community was 1 to 77.
- The findings of the report represent very serious systemic issues pertaining to child protection service delivery

Action Being Taken:

- CSSD accepts and is committed to acting on all recommendations of the OCYA.
- CSSD acknowledges the difficulty in delivering services to isolated, rural and remote communities and is working to finding creative solutions to support the delivery of quality services to children, youth and their families. While case counts per social worker have decreased there continues to be a need for improvement. A housing allowance was introduced in summer 2016 (\$6815 with dependents, without \$3420). There have been ongoing times that social workers from the island have traveled to Sheshatshiu to assist with child protection cases. The most recent example was a five week period between July and August 2016.
- CSSD has established a Quality Committee whose first task is to oversee the full implementation of the recommendations of the Auditor General's report released in October 2016. To date, the Quality Committee has developed and is implementing an action plan to address Auditor General's findings. Enhancing quality and performance of the department is a core priority.
- A subcommittee of the Quality Committee will be established, and dedicated to improving and enhancing service delivery in Labrador. This Labrador subcommittee will engage the Innu and focus on clinical practice issues, Aboriginally sensitive policy development, developing a Strategic Human Resource Plan for Labrador, and building on the Quality Committee focus on training and professional practice.
- Focus groups have been completed with social workers and clinical program supervisors in CSSD to advance a culture of organizational learning and continuous improvement. These sessions identified solutions to help inform improvements in adherence to policies and standards to prevent similar issues in the future.
- CSSD, working with the School of Social Work, will be taking immediate action to improve its documentation training and will pilot the revised model with clinical program supervisors.

This will ensure clinical program supervisors have the tools necessary to support their staff and that improvements in the curriculum can be made prior to delivery to social workers.

- In June 2016, Government commenced a statutory review of the *Children and Youth Care and Protection Act*. CSSD has identified enhancing legislation to recognize the unique needs of Aboriginal children, youth and their families as a key focus of the review. Aboriginal members from Conne River, the Innu Nation and the Nunatsiavut Government were invited to participate in the review and have provided valuable feedback and recommendations which will be thoroughly analyzed as part of the legislative review.
- The Report highlights a lack of reporting by other service providers and recommends revising legislation, policy and procedures to ensure direct and timely reporting to CSSD. In a recent response to the OCYA, CSSD has advised the Advocate that revisions to mandatory reporting of child protection concerns will be considered as part of the legislative review of the *CYCP Act*.
- There are a number of CSSD initiatives, currently implemented or under development, which address the key themes of the Report's recommendations (see Annex 1: Key Findings and related initiatives for a full list). Some examples specific to Labrador are:
 - In September 2014, CSSD introduced a mentoring program to aid inexperienced social workers in Labrador communities. The program involves experienced child protection social workers from other areas of the Province serving as a mentor to new social workers to enhance decision-making and provide clinical practice guidance.
 - In 2016, the Community Interdisciplinary Committee for Children at Risk was established in response to a recommendation from the Advocate to improve communication and collaboration between HCS, JPS and CSSD related to children and youth at risk. The committee meets quarterly as required.
 - On September 30, 2015, CSSD entered into an agreement with both the Sheshatshiu and Mushuau First Nations and the Innu Round Table Secretariat to establish the process of working together in the best interest of Innu children and youth. This agreement is titled the Working Relationship Agreement (WRA).
 - The WRA outlined the requirement for a Joint Committee which meets quarterly in each Innu community to discuss resources and gaps, training and human resource requirements, systemic issues and coordination of services.
- As well, CSSD is working with the Mushuau Innu First Nation and Sheshatshiu Innu First Nation through the Innu Roundtable Secretariat to support Innu initiatives to build resources to help address child protection issues in Innu communities. The Innu have submitted several proposals to the Federal Government for funding to facilitate these initiatives. CSSD will continue to work collaboratively with the Innu and Federal Government.
- Efforts to build upon the work already completed in building a robust child welfare system will continue, as well as a dedication to creating a culture of organizational accountability, excellence and consistency across all child protection programs.

Prepared/Approved by: M. Griffin/D. McGrath/J. Tilley/B. Cooper
Reviewed by: P. Howe/E. Day, Cabinet Secretariat
Ministerial Approval: Received from Hon. Sherry Gambin-Walsh

November 30, 2016

Annex 1

Key Findings from the OCYA Report: *A Stolen Life*

In addition to the issues noted in the attached information note, the report highlights the following five (5) key themes pertaining to child protection services:

Theme: *Failure to Report Child Protection Concerns*

- While this theme pertains to a lack of reporting by other service providers, the report recommends revising legislation, policy and procedures to ensure direct and timely reporting to CSSD. In a recent response to the OCYA, CSSD has advised the Advocate that revisions to mandatory reporting of child protection concerns will be considered as part of the legislative review of the *Children and Youth Care and Protection Act* (CYCP).

Theme: *Lack of Collaboration, Communication and Information Sharing*

The report notes CSSD, JPS and the Labrador Grenfell Regional Health Authority (LGRHA) had pertinent information about the family but did not consistently operate collaboratively or share information. This theme has been noted in other OCYA investigative reports and some progress has been made in this area through the following initiatives:

- In 2012 signed memorandums of understanding (MOUs) with members of the Nunatsiavut Government and Innu First Nation leaders (Sheshatshiu Innu First Nation and Mushuau Innu First Nation). The MOUs provide the framework for improvement in overall service accessibility and effectiveness, while also recognizing the unique culture in Aboriginal communities.
- On September 30, 2015, CSSD entered into an agreement with both the Sheshatshiu and Mushuau First Nations and the Innu Round Table Secretariat to establish the process of working together in the best interest of Innu children and youth. This agreement is titled the Working Relationship Agreement (WRA). All CSSD social workers assigned to Aboriginal communities receive training on the WRA to ensure they understand the parameters of the MOU.
- In November 2013 five departments (AESL, JPS, EECD, HCS and CYFS) signed an information sharing agreement to ensure greater collaboration related to children, youth and families receiving CSSD services.
- CSSD has operationalized MOUs with both the RNC (October 2015) and the RCMP (March 2016).
- Based on a previous recommendation from the OCYA, an interdepartmental committee with representation from CSSD, HCS, EECD and JPS was established in 2015 to ensure collaboration, communication and information sharing among service providers.

Theme: *Documentation Deficiencies*

The report noted a lack of documentation and non-adherence to documentation standards and policies, with the most prevalent deficiency identified in the timely entry of case notes. This theme has been noted in other OCYA investigative reports and measures have been taken to support social workers in this area through the following initiatives:

- Implementation of the Child, Youth and Family Services Documentation Guidelines (2012, updated May 2015), implementation of the Risk Management Decision-Making Model (2013) and a provincial training plan consisting of comprehensive Pre-Core and Core Trainings and ongoing training modules for supervisors.
- CSSD is in the process of developing a new Integrated Service Management (ISM) System specifically designed for the clinical management of child protection cases, accountability, continuous quality improvements and reporting of activities and case progression. The new ISM system is being specifically designed to support child protection work and will help social workers manage their work and complete documentation.
- Implementation of a file audit process established through the Quality Assurance Division. All program supervisors are required to ensure that one to two file audits are completed monthly for each social worker on their team to assess compliance with all policy including documentation standards. In addition, the Quality Assurance Division also completes a file audit each month and provides the results to each clinical program supervisor.
- CSSD has developed a faster implementation plan for a new training module for supervisors to help ensure they have the tools needed to support their staff regarding documentation practices.

Theme: *A Lack of Comprehensive Assessment, Intervention and Followup*

The report noted that a lack of comprehensive assessment, intervention and followup was a consistent theme throughout CSSD's involvement with the family. This theme has been noted in other OCYA investigative reports and progress has been made in this area through the following initiatives:

- Implementation of the Risk Management Decision-Making Model (RMDM). RMDM provides social workers with a framework for assessing risk and developing an intervention plan with the family to mitigate those risks.
- Development of the *Structured Decision-Making Model* (SDM). SDM is a new child protection model which will further enhance the delivery of child protection services by social workers.
- Development of the ISM system which will replace the current CRMS. ISM will further enhance and strengthen the delivery of services by social workers.
- Implementation of a file audit process established through the Quality Assurance Division. All program supervisors are required to ensure that one to two file audits are completed monthly for each social worker on their team to assess compliance with all policy and

standards. In addition, the Quality Assurance Division also completes a file audit each month and provides the results to each clinical program supervisor.

- Implementation of a new performance management system to ensure the provision of quality services to children/youth and to support social workers and their professional development including skills in effective documentation and risk management practices.
- Implementation of a provincial training plan for social workers which focuses on knowledge and skill development in key areas such as risk management.

Theme: *Challenges to Service Provision* (Labrador region)

The report notes the Labrador region has experienced challenges to service provision that have been recognized for many years but have not been adequately addressed by CSSD. Service provision challenges in this region were also highlighted by the report *A Tragedy Waiting to Happen* (2015). CSSD recognizes the challenges to service provision in this region and continues to develop innovative ways to overcome these challenges:

- CSSD signed MOUs with members of the Nunatsiavut Government and Innu First Nation leaders (Sheshatshiu Innu First Nation and Mushuau Innu First Nation). The MOUs provide the framework for improvement in overall service accessibility and effectiveness, while also recognizing the unique culture in Aboriginal communities.
- Part of CSSD's Labrador model includes dedicated zone managers for the Innu and Inuit zones, and the collaborative approach with Aboriginal leaders and communities to improve planning around the safety and well-being of children and youth, as well as enhance service coordination and delivery in this region.
- To support recruitment and retention in Labrador, enhanced benefits are provided and a retention bonus is provided annually to social workers to stay and work in hard to recruit communities. In addition, a provincial fly in/ fly out model has been implemented to recruit and retain staff in remote areas. While the Department continues to experience challenges in recruitment for remote communities in this region, recruitment and retention efforts continue to be a priority.
- Another innovative approach for Labrador communities is the mentoring program in the community of the case file. The program involves experienced child protection social workers from other areas of the province serving as a mentor to new social workers to enhance decision-making and provide clinical practice guidance.
- CSSD established an interdepartmental working committee with representation from HCS, EECD, and JPS. The committee continues to meet regularly to identify and review existing deficiencies in isolated communities. The committee is focusing on several communities in Labrador and on how the current existing processes are meeting, or not meeting, the needs of these communities. The committee provides regular updates to the OCYA on the work of the committee as it progresses.

- CSSD is working with the Mushuau Innu First Nation and Sheshatshiu Innu First Nation through the Innu Roundtable Secretariat to support Innu initiatives to build resources to help address child protection issues in Innu communities. The Innu have submitted several proposals to Federal Government for funding to facilitate these initiatives. CSSD will continue to work collaboratively with the Innu and Federal Government.

Annex 2
OCYA Report: *A Stolen Life*
Recommendations

(1) The Department of Justice and Public Safety (formerly the Department of Justice) ensure that the Royal Canadian Mounted Police and the Royal Newfoundland Constabulary review their current policy and process for completing and delivering Child Protection Reports (CPRs) to the Department of Children, Seniors and Social Development (DCSSD) (formerly the Department of Child, Youth and Family Services) to ensure:

- (a) all members understand and comply with their legislative duty to report to the DCSSD any information that a child or youth is or may be in need of protective intervention.
- (b) timely delivery of, and confirmation of receipt of CPRs by the DCSSD.

(2) The Department of Children, Seniors and Social Development (DCSSD) (formerly the Department of Child, Youth and Family Services):

- (a) review and revise legislation, policies and procedures as necessary to ensure direct and timely reporting to the DCSSD when a child is or may be in need of protective intervention, including the reporting of any unexplained deaths or critical incidents of children or youth, regardless of whether there are other minors in the household.
- (b) ensure the provision of ongoing education regarding any revisions to their legislation, policies or procedures, both to the general public and to all government departments and agencies.

(3) The Department of Children, Seniors and Social Development (DCSSD) and the Department of Justice and Public Safety ensure compliance with Policies 1.3 and 1.5 of the *Protection and In Care Policy and Procedure Manual* (2011), and Section 3.2 of both the *Memorandum of Understanding* (Royal Canadian Mounted Police, 2016), and the *Memorandum of Understanding* (Royal Newfoundland Constabulary, 2015), which require that:

- (a) a joint decision be made by the DCSSD and the RCMP or the RNC (as applicable) as to the most appropriate means of investigation when a child has been physically or sexually abused.
- (b) a joint investigation of alleged physical or sexual abuse of a child be conducted by the DCSSD and the RCMP or the RNC (as applicable)

(4) The Department of Children, Seniors and Social Development ensure compliance with sections 7(a) and 7(b) of the *Child, Youth and Family Services (CYFS) Documentation Guide* (2015) which contains protocol for documenting contact with supervisors and zone managers.

(5) The Department of Children, Seniors and Social Development review and revise their current policy and procedure pertaining to the verification of child protection concerns and the determination of a child's need for protective intervention, to ensure that:

- (a) When a child or youth discloses physical or sexual abuse they receive a thorough medical examination.
- (b) Any siblings of a child or youth who died under suspicious circumstances receive a thorough medical examination.

(6) The Department of Children, Seniors and Social Development, in consultation with Aboriginal governments, organizations and communities, propose changes to legislation that will recognize traditional custom adoption, and ensure the same standard of safety and permanency planning for all children and youth in the Province.

(7) The Department of Children, Seniors and Social Development, in consultation with Aboriginal governments, organizations and communities:

- (a) dedicate additional human resources management and staff to the Labrador region to focus on ensuring that every child and youth throughout the Province receives the same standard of service.
- (b) demonstrate improved service standards in the Labrador region through consistent monthly Quality Assurance Indicator Reports that equal those in other regions.

Annex 3
OCYA Report
Previous Recommendations

(1) It is incumbent upon the Department of Justice and Public Safety to “ensure that all Royal Newfoundland Constabulary and Royal Canadian Mounted Police employees are educated on their [legislative] duty to report” on an ongoing basis. **[Implemented]**

(2) It is incumbent upon the Department of Children, Seniors and Social Development, the Department of Health and Community Services, and the Department of Justice and Public Safety to “jointly develop and implement initiatives such as a multi-disciplinary committee in communities throughout all regions of the Province to ensure collaboration, communication and information sharing among service providers”. **[Partially Implemented]**

(3) It is incumbent upon the Department of Children, Seniors and Social Development to “ensure that all social workers throughout the Province have appropriate resources and support to enable them to adhere to the documentation standards” on an ongoing basis. **[Implemented]**

(4) It is incumbent upon the Department of Children, Seniors and Social Development to “ensure compliance with policy that all children in a family are physically and critically observed during a referral and during every home visit. Where appropriate, children must be interviewed – alone, if necessary”. **[Implemented]**

(5) It is incumbent upon the Department of Children, Seniors and Social Development to “ensure that all social workers throughout the regions of the Province have appropriate resources and support to enable them to complete comprehensive assessments, interventions and followup in accordance with the Risk Management Decision-Making Model Manual (2013)”. **[Partially Implemented]**

(6) It is incumbent upon the Department of Children, Seniors and Social Development, “in collaboration with local governments and other service providers [to] complete comprehensive needs assessments of the services being provided in every remote and isolated community in the Province to identify existing deficiencies; and develop and implement strategies to address the identified deficiencies in a timely manner”. **[Partially Implemented]**