



Reports of Standing and Special Committees

Standing Committee on Oversight of Government Operations and Public Accounts

Report on the Review of the 2011 Report of the Auditor General of Canada to the Legislative Assembly of Nunavut on Children, Youth and Family Programs and Services in Nunavut

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Mr. Speaker, I have the honour today of presenting the report of the Standing Committee on Oversight of Government Operations and Public Accounts on its review of the 2011 report of the Auditor General of Canada to the Legislative Assembly of Nunavut on *Children, Youth and Family Programs and Services in Nunavut*.

Mr. Speaker, as you will recall, the Auditor General's report was tabled in the House on March 8, 2011. As with all other reports presented to the Legislative Assembly of Nunavut by the Auditor General since April 1, 1999, this report was referred to a Standing Committee for review. The Office of the Auditor General and witnesses from the Government of Nunavut's Department of Health and Social Services were invited to appear before the Committee to address issues and recommendations brought forward in the Auditor General's report and to discuss them with MLAs.

Mr. Speaker, the presentation of this report marked Ms. Fraser's tenth appearance in Nunavut and her final appearance as the Auditor General of Canada. On behalf of the Standing Committee on Oversight of Government Operations and Accountability, I would again like to express our appreciation for Ms. Fraser's commitment to the North.

The Standing Committee held its hearings on the Auditor General's report on *Children, Youth and Family Programs and Services in Nunavut* from April 14 to April 15, 2011. The hearings were open to the public and news media to observe.

Mr. Speaker, it was very encouraging to note that representatives from various GN departments, as well as from organizations such as Nunavut Tunngavik Incorporated and the regional Inuit associations, were in attendance during the Committee's hearings. The hearings were broadcast on local cable and radio channels. Transcripts were later posted to the Legislative Assembly's website in both Inuktitut and English.

Mr. Speaker, the Auditor General's report covers four major areas relating to child, youth and family programs and services in Nunavut:

- Child and Family Services;
- Adoption;
- Public Health Strategy; and
- Program coordination.

The Committee recognizes that the main objective of the Auditor General's audit was to evaluate the Government of Nunavut's performance in carrying out its own procedures and following its own laws in these areas. A central purpose of the audit was to provide a perspective and analysis that could assist us as legislators, and the government, in our efforts to improve the current system.

Mr. Speaker, while it is recognized that Nunavut's child and youth protection system, like any system, could benefit from changes, we must also acknowledge that the individuals who are currently working to implement this current system are doing the best that they can.

Mr. Speaker, I would like to take this opportunity to pay tribute to those frontline workers who provide support and assistance to the children, youth and families of Nunavut. Social workers and child protection workers, in particular, play a critical role when Nunavut's children and youth are in need of protection. As the Auditor General clearly stated in her opening remarks, and at the very beginning of her report, the Department of Health and Social Services "reacts quickly when it is made aware of children in need of protection."

It is unfortunate that situations arise where children need protection, but they do.

We need to keep in mind that our frontline workers provide services across Nunavut in accordance with the legislation that is currently in place. They do so despite pressures within their communities, despite a lack of capacity and resources, and despite overwhelming caseloads. Overall, the review undertaken by the Office of the Auditor General clearly shows that while the government reacts in a timely manner, and does address situations as they occur, much more proactive work should be done.

Mr. Speaker, the Standing Committee appreciates the Auditor General's motivation for undertaking an audit of this nature. As the Auditor General stated during her appearance, Nunavut has the youngest population in Canada. Given the importance of the well-being of children, her office focused on programs that are being delivered to children and their families in Nunavut. Indeed, the Standing Committee recognizes that children make up a significant portion of our society. According to the latest information prepared by the Nunavut Bureau of Statistics, in July of 2010, Nunavummiut 19 years and under made up more than 41% of Nunavut's population, with 32% of Nunavut's population under the age of 15.

Mr. Speaker, the Auditor General also noted the many social challenges that Nunavut faces and how factors relating to these challenges can affect the need for protection services for children and programs to support individuals and families. The Auditor General's report provides a listing of various indicators of health and well-being which demonstrate how Nunavut compares, generally not very favourably, with the rest of Canada.

Mr. Speaker, numbers can help to tell a story. For example, a recent Statistics Canada report on family court cases indicated that in 2009-2010, the percentage of family court cases involving issues such as child protection and adoption was higher in Nunavut than in any of the other Canadian jurisdictions which contributed data.

The Auditor General's report notes that the Government of Nunavut provided child protection services to 487 children in 2008-2009 and to 633 children in 2009-2010. Her report further notes that since 1999, over 2,500 adoptions of Nunavut children have been documented.

As we proceed through the report, and discuss areas of concern or in need of improvement, it is our hope that the Standing Committee's comments and suggestions will be accepted in the spirit in which they are intended which is with an eye towards improving programs and services for the future.

Mr. Speaker, several pieces of legislation and their associated regulations govern how child, youth and family related services are provided across Nunavut. These include, but are not limited to, the *Child and Family Services Act*, the *Children's Law Act*, the *Adoption Act*, the *Aboriginal Custom Adoption Recognition Act*, and the *Public Health Act*.

The Auditor General's report included twenty recommendations and the Government of Nunavut has concurred with all of them. The Standing Committee agrees with the recommendations and the responses.

Child and Family Services

Mr. Speaker, during her appearance before the Standing Committee, the Auditor General stated that:

“In our recommendations and key findings, we really tried to focus on the issues of most critical importance and in particular, the issues that are of most importance for the protection of children.”

Reviewing the Auditor General's report has provided Members of the Standing Committee with an opportunity to focus on certain aspects of an issue that is currently being considered in depth with a view to making legislative changes.

The *Child and Family Services Act* is one of many statutes that was inherited by Nunavut upon division. As with many areas, it has been hoped and anticipated that Nunavut will amend the legislation to better reflect the needs and aspirations of our residents.

The Department of Health and Social Services has already addressed certain problematic elements of the *Child and Family Services Act* in response to recent judgments of the Nunavut Court of Justice. The department's current comprehensive review of the legislation will, hopefully, bring about changes that will improve child protection services across Nunavut.

Mr. Speaker, approximately one year ago, on June 8, 2010, the Minister of Health and Social Services tabled in this House the *Final Report of the Knowledge Sharing Forum, a review of child welfare practices in Nunavut*. This document provided a number of observations and recommendations that are echoed in the Auditor General's report. The Standing Committee is of the view that a great deal of groundwork has already been laid for reform and improvement in this area.

The Standing Committee further notes that on June 7, 2011, the Minister of Health and Social Services tabled an *Action Plan* in response to the Auditor General's report. The Committee looks forward to regular updates being tabled in the House on the status of the implementation of the Action Plan.

According to the 2011-2014 Business Plan of the Department of Health and Social Services, new child and family services legislation will be introduced in 2012-2013. The Standing Committee will be paying close attention to the government's fulfilment of this commitment within the stated timeline. I would like to take this opportunity to express the Committee's support for a future follow-up audit by the Office of the Auditor General on the status of the government's efforts to address the issues related to the provision of child, youth and family services and programs in Nunavut.

The Auditor General's recommendations with respect to child and family services highlighted some key areas for improvement:

- Building capacity, especially in filling vacant positions;
- Ensuring that workloads are adequately evaluated and manageable;
- Implementing and delivering training programs;
- Ensuring that standards, record-keeping requirements and the collection and analysis of information are followed and implemented; and
- Seeking to involve communities and regional Inuit organizations in addressing issues.

Mr. Speaker, one of the most critical issues raised by this report and, indeed, in other reviews undertaken by the Office of the Auditor General, relates to current levels of capacity in the field of community social service work. Not only are half of Nunavut's social worker positions vacant, but many have been vacant for extended periods of time. This situation has resulted in a number of consequences. The overwhelming workloads of those individuals who are working in the field often means that they do not have the time or resources to properly complete all steps of the process as required by policy. They are often unable to undertake proactive activities, such as ensuring the appropriate checks for potential foster homes or adoptive parents.

Mr. Speaker, while some aspects of programming and service delivery may be comparable across jurisdictions, it should be noted that the unique characteristics

of Nunavut's predominantly Inuit population make some comparisons ineffective. In fact, it has often been stressed that one of the key components missing from the current system of delivering child and family programs and services in Nunavut is the incorporation of Inuit societal and family values.

Mr. Speaker, as the government seeks to improve service delivery in this area, and the legislation that governs such practices, it is critical that Nunavut's communities, families and parents reflect on what steps can be taken, individually and collectively, to reduce the need for programs and services such as child protection, foster homes or shelters for victims of violence.

As legislators, we have the responsibility to consider the legislation that governs how services are delivered. However, this role can only be effective in partnership with individuals, parents, families and communities.

Mr. Speaker, the Auditor General's report contains fourteen recommendations specific to child and family services.

One essential recommendation is that:

“The Department of Health and Social Services, in collaboration with the Department of Human Resources, should develop short-, medium-, and long-term strategies to fill community social service workers positions in order to ensure that each community has adequate child and family services coverage.”

In response, the Department of Health and Social Services has indicated that it will continue to work with a dedicated Human Resources officer towards this objective. The Standing Committee supports this recommendation and further recommends that both departments work together to re-evaluate the required qualifications for community social worker positions, with special emphasis on giving weight to prospective employees' knowledge and awareness of the Inuit language and societal values.

The Auditor General also recommended that

“The Department of Health and Social Services should provide supplemental training, including Inuit societal values training, that community social service workers require, based on the training needs and gaps identified in annual audits and appraisals.”

The Standing Committee strongly supports this recommendation.

A number of the Auditor General's recommendations in this area focused on the administrative requirements of case management. While the Standing Committee recognizes the need for complete and accurate record-keeping, as well as the importance of reviewing and analyzing information, it also recognizes

that the overwhelming workload is a factor in incomplete record-keeping. The Standing Committee further recommends that the government accelerate the process of freeing social workers from the additional burden of providing community correctional services on behalf of the Department of Justice.

Mr. Speaker, the Auditor General made a number of recommendations with respect to complying with standards for children who are placed in care. With respect to the requirement to conduct criminal record checks on the adult members of households being considered as foster homes or adoptive families, the Standing Committee recommends that the Department of Health and Social Services set clear guidelines for how the results of Criminal Records Checks will be used to determine the eligibility of foster homes or adoptive families. It is important to recognize that there are distinctions between different grades of criminal offences, which was an issue acknowledged by departmental witnesses during the Standing Committee's hearings.

The department has committed to creating a new position of Residential Care Compliance Coordinator. Standing Committee Members look forward to the tabling of the future annual reports of the Director of Child and Family Services, which will address the implementation and success of this and other initiatives undertaken in response to the Auditor General's recommendations.

Adoption

Mr. Speaker, the Auditor General's report made a number of observations and recommendations concerning the issue of adoption in Nunavut. Again, it should be noted that the unique characteristics of Nunavut society make it difficult to compare adoption practices and customs between jurisdictions. For example, it is noted that over 90% of all Nunavut adoptions since April 1, 1999, were custom adoptions.

As noted by Committee Members during the Auditor General's appearance, the different pieces of legislation that currently governs how child and family services are delivered in Nunavut, including such activities as adoption, are generally not perceived as reflecting Inuit societal values. In fact, the Auditor General notes in her report that "aboriginal customary law is not defined in the Act."

Indeed, the original intent of the *Aboriginal Custom Adoption Recognition Act*, which was adopted in the NWT in 1994, was not to attempt to codify traditional aboriginal practices, but to ensure that those who were adopted by aboriginal custom could have access to formal means of identification, such as birth certificates and other official government documentation.

The Auditor General's report recommends that the *Aboriginal Custom Adoption Recognition Act* be considered for review. The Auditor General notes further that

a 2003 report prepared by the Nunavut Law Review Commission, which was tabled in this House on December 4, 2003, and which forms part of the permanent public record of our territory, focused on issues relating to custom adoptions and contained 28 recommendations which have not yet been addressed by the government.

Mr. Speaker, by their very nature, customary practices of Inuit culture and society are not easily codified within western standards or models of governance. On the one hand, there is a strong desire to use and preserve traditional approaches to governing social relations. This strongly supports the concept of families, parents and individuals bearing the responsibility to care for and protect children and youth of our communities. On the other hand, there is an obligation to ensure that all sectors of society receive the appropriate levels of care, and that the rights of the most vulnerable to safety and security are protected by the means that we have, which, in our case, are the instruments of legislation and regulation. While the Standing Committee recognizes that reconciling these perspectives is a profound and significant challenge, Members strongly believe that the government must take the necessary steps to ensure that the challenge is met.

The Standing Committee agrees that the issue of adoption across Nunavut should be reviewed. In fact, in our *Report on the Review of the Information and Privacy Commissioner's 2008-2009 Annual Report*, the Standing Committee recommended that the Government of Nunavut's upcoming development of a new *Child and Family Services Act* "takes into consideration the issue of adoption." It will be important to conduct further analysis of the current status of adoption arrangements in order to fully address the issue. It will also be important to take into consideration any changes that may be brought forward with respect to new child and family services legislation.

Public Health Strategy

Mr. Speaker, the Auditor General's report made a number of important observations regarding the government's slow progress in the implementation of the Public Health Strategy, *Developing Healthy Communities*, which was tabled in the Legislative Assembly in 2007.

One of the key observations made by the Office of the Auditor General is that

"it was still unclear to many people we interviewed who was ultimately accountable for the implementation and success of the Public Health Strategy."

In addition, the Auditor General's report notes that

“the Department has not established a monitoring and surveillance system to gather information in a timely way from all branches and other departments involved in the Strategy.”

The effectiveness of the Strategy cannot be measured without the necessary data. The Standing Committee strongly supports the Auditor General's recommendation that the department put the appropriate information systems in place. Committee Members further note that having relevant baseline data would assist in identifying public health issues which may arise from time to time.

For example, Members have noted with respect to a number of recent health outbreaks such as H1N1, the spread of RSV amongst young children and the recent surge in tuberculosis cases, that being able to provide updated and accurate information on the status or spread of communicable diseases is important to ensuring public confidence in health service delivery and to prevent panic.

In our *Report on the Review of the Information and Privacy Commissioner's 2009-2010 Annual Report*, the Standing Committee recommended that the Government of Nunavut “table in the Legislative Assembly its disclosure and reporting protocols concerning reportable communicable diseases.”

In its response to our report, the government stated that the Department of Health and Social Services, through the office of the Chief Medical Officer of Health, will be “developing its disclosure protocols, with a particular focus on disclosure of community names and community-specific numbers of cases. Potential protocols will take into account relevant legislation such as the *Communicable Diseases Act* and the *Access to Information and Protection of Privacy Act* as well as Nunavut's unique needs. Once approved by the Executive Council, the Government of Nunavut will table the protocols in the Legislative Assembly.”

The Standing Committee recommends that the Department of Health and Social Services ensure that establishing an information system to track and report on the health status of Nunavummiut is a departmental priority. As noted during the Auditor General's appearance, having current data on health and social indicators will not only allow the government to identify emerging trends and be more proactive, but will also promote, through education and awareness, the ability to make better lifestyle choices amongst the population.

Program Coordination

Mr. Speaker, although the Auditor General's report focused primarily on services delivered by the Department of Health and Social Services, there was also discussion of the coordination of programs, services and resources with the Departments of Education, Justice and Culture, Language, Elders and Youth.

The primary observation made in the Auditor General's report is that:

“a formal coordinated approach to children, youth and family programming is lacking.”

Mr. Speaker, given the limited resources available to the Government of Nunavut as a whole, it is important that efforts be made to maximize what is available to deliver services in the most efficient, effective and economical manner.

The Standing Committee recognizes that a number of committees and working groups have been established by the government in recent years to address common concerns across departmental mandates. However, it is not always clear whether these entities have made measurable progress in achieving results.

The Auditor General's report also discusses steps that have been taken to address issues with respect to such matters as working relationships between the divisions of the Department of Health and Social Services. In light of the government's recent announcement in the 2011 Budget Address that it will be reviewing its organizational structure, the Standing Committee recommends that that the benefits of dividing Health and Social Services into two distinct departments be taken into consideration.

The Standing Committee notes that that the Department of Health and Social Services has already made a number of significant efforts to address shortcomings with regard to interdepartmental communications. Members of the Standing Committee were further pleased to note that efforts to improve communication and coordination between the four departments have been renewed.

It was also noted that the Department of Executive and Intergovernmental Affairs, with its Social Advocacy Office, and the Department of Economic Development and Transportation, with its Anti-Poverty Secretariat, should both be involved in any comprehensive policy shifts which relate to services provided to children, youth and families across Nunavut.

Mr. Speaker, during her appearance before the Standing Committee, the Auditor General made an important observation when she stated that:

“Nunavut faces many challenges that the other provinces and territories have to a lesser degree, issues like overcrowding in housing; issues of poverty. We talk in here about the number of families that have challenges with adequate supply of food. We see as well, a large incidence of substance abuse. All of these, I think, are related issues and questions of protection of children obviously come into that.”

Mr. Speaker, the Standing Committee strongly agrees that the need for services for children, youth and families in Nunavut are affected, and, in some cases, driven by a number of differing social factors. Committee Members recognize that government as a whole needs to collaborate on addressing all of these issues to ensure a more safe, secure and healthy society.

Mr. Speaker, a number of themes and issues emerged during the Standing Committee’s review of the Auditor General’s report. Accordingly, the Standing Committee recommends that the Department of Health and Social Services address the following areas for action:

1. The importance of responding to the Standing Committee’s specific recommendations noted above.
2. The importance of resolving capacity issues. The Standing Committee recognizes that the severe shortage of personnel for providing child and family services has an impact on the practice of delivering those services. A number of aspects related to the hiring of social workers should be taken into account, such as reviewing the hiring criteria and workload pressures on current staff.
3. The importance of making training and supports available and accessible to staff. Adequate resources and funding must to be allocated to this objective.
4. The importance of recording and collecting accurate and detailed information, analyzing it and identifying potential areas for proactive interventions, either at the individual, community or territorial level.
5. The importance of investing in appropriate information management and reporting systems, and providing the training to manage those systems.
6. The importance of encouraging and supporting communities, families and individuals to take on more responsibility for providing children with safe, secure and healthy homes.
7. The importance of setting short-, medium- and long-term objectives, including establishing the means to measure progress in achieving those objectives.

Mr. Speaker, I will conclude by noting that the Standing Committee, pursuant to Rule 91(5), formally requests that the government table a comprehensive response to this report within 120 days.

Mr. Speaker, I move that the report of the Standing Committee be received by the House.

Thank you, Mr. Speaker.