



**Reports of Standing and Special Committees on Bills
and Other Matters**

**Standing Committee on
Oversight of Government Operations
And Public Accounts**

***Report on the Review of the
Report of the Auditor General of Canada
to the Legislative Assembly of Nunavut on the
2014 Follow-up Report on Child and Family Services in
Nunavut***

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Mr. Speaker, I have the honour of presenting the report of the Standing Committee on Oversight of Government Operations and Public Accounts on its review of the *Auditor General of Canada's 2014 Follow-Up Report on Child and Family Services in Nunavut*.

Mr. Speaker, as you will recall, the Auditor General's report was tabled in the House on March 18, 2014 and was subsequently considered by the Standing Committee on Oversight of Government Operations and Public Accounts.

The Standing Committee held its hearings on the Auditor General's reports on September 16 and 17, 2014. The hearings were open to the public and news media to observe. The hearings were televised live across Nunavut. Transcripts of the hearings are available for downloading from the Legislative Assembly's website.

Mr. Speaker, the Committee was very pleased to welcome Mr. Ronnie Campbell, Assistant Auditor General, and Ms. Michelle Salvail, Principal, from the Office of the Auditor General to our hearings. Both of these individuals have worked extensively on Nunavut audits in recent years and their expertise and input are much appreciated.

Mr. Speaker, I would further like to acknowledge the participation of witnesses from the Government of Nunavut's Department of Family Services during our hearings. Mr. MacDonald, the Acting Deputy Minister of Family Services, Mr. Mark Arnold, the Deputy Director of the Child and Family Services Division and Mr. Ambrose Ojah, the department's Child Protection Specialist, appeared on behalf of the Department of Family Services. The Standing Committee was extremely disappointed that the Director of Child and Family Services did not attend the hearings as his experience and direct involvement in exercising the specific authorities and duties required to implement the government's *Child and Family Services Act* could have afforded the Committee greater insight to and perspective on the challenges facing the Department of Family Services in meeting its obligations to the children and youth of Nunavut. The absence of the Director of Child and Family Services from the hearings raised some concerns.

Mr. Speaker, it is important to consider the historical context of the Auditor General's most recent audit on Nunavut's child and family services. The 2014 audit was a follow-up to the Auditor General's 2011 *Report on Children, Youth and Family Programs and Services in Nunavut*. The objective of the 2011 audit was to evaluate the GN's performance in carrying out its own procedures and following its own laws in a number of areas relating to child, youth and family programs and services in Nunavut. The 2011 Auditor General's report included twenty recommendations with fourteen recommendations addressing services relating to children and youth, three recommendations addressing adoption, two relating to public health and one regarding program coordination between departments.

The 2011 Auditor General's report was tabled and reviewed during Nunavut's Third Assembly. In June of 2011, the Minister of Health and Social Services tabled an *Action Plan* in response to the Auditor General's report (Tabled Document 59 – 3 (3)) with short-term, medium-term and long-term plans to address each of the Auditor General's recommendations. The Standing Committee also presented its report on the review of the Auditor General's report which including a number of recommendations echoing those in the Auditor General's report, as well as encouraging the department to invest in "appropriate information management and reporting systems". The Standing Committee also requested that regular updates on the status of the implementation of the *Action Plan* be tabled in the House.

In September of 2011 and September of 2013, the Minister of Health and Social Services tabled the government's responses to the Standing Committee report including details on progress made towards addressing some of the recommendations which had been brought forward. I would note, however, that no further updates on the implementation of the 2011 Action Plan have been provided to the Legislative Assembly.

Mr. Speaker, it is important to note that there have been a number of initiatives in recent years to address issues relating to child welfare and the safety and protection of children and youth across Nunavut.

In 2010, the *Knowledge Sharing Forum* brought together community residents from across Nunavut to discuss child welfare practices. The *Forum's* final report included a number of recommendations with respect to the state of child protection in Nunavut with a focus on the need to incorporate Inuit societal values and have greater involvement from communities and families.

In 2011, a review of Nunavut's child welfare practices was conducted by the Child Welfare League of Canada and their report, *Nunavut Social Services* review, made a number of recommendations which focused on including culture, communities, families and the involvement of elders and youth in developing strategies and solutions.

Between 2011 and 2013 the Legislative Assembly of Nunavut approved a number of amendments to Nunavut's *Child and Family Services Act* such as; providing for a judicial hearing within a limited time in all cases where a child is apprehended; revising references to aboriginal children and organizations to more clearly reflect the population of Nunavut; ensuring that the Act be interpreted in accordance with Inuit societal values; providing protection for children in cases of child pornography and family violence; providing for support agreements for youth up to age 26 and prohibiting malicious and false reports.

The Act was also amended to mandate that the director of child and family services must respond to certain recommendations if a child in his or her care dies or is critically injured and provides that the director's annual report be tabled in the Legislative Assembly.

Mr. Speaker, in 2012, legislation was introduced in the Legislative Assembly to establish the Office of Nunavut's Child and Youth Representative which, guided by Inuit culture and Inuit societal values, would 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. Nunavut's first Children and Youth Representative, Ms. Sherrie McNeil-Mulak, was appointed on June 2, 2014 and the Standing Committee was pleased to note her attendance in the gallery to observe our recent hearings on the *Auditor General of Canada's 2014 Follow-Up Report on Child and Family Services in Nunavut*.

Mr. Speaker, in April of 2013, the government created the new Department of Family Services incorporating the Social Services division from the former Department of Health and Social Services as well as a number of other divisions from other departments. The establishment of this new department allows for a more dedicated focus on issues relating to child, youth and family services than may have been possible within the overall mandate of the Department of Health and Social Services where the delivery of acute health care services and other health-related needs often demand high levels of resources and attention.

Mr. Speaker, I would like to note the Committee's disappointment with the lack of progress made by the government in addressing recommendations that were brought forward in 2011 with respect to concerns about services for children, youth and families in Nunavut. It is important to keep in mind that no matter which Government of Nunavut department now has the mandate to provide services to children and youth in Nunavut, no matter how many changes may occur in reporting structures, and no matter how many changes there are in personnel or infrastructure, the statutory requirements of the legislation, in this case the *Child and Family Services Act*, must still be met. As demonstrated in the Auditor General's *2014 Follow-Up Report on Child and Family Services in Nunavut*, the level of compliance by the government in meeting its legislated requirements should be much higher than it is.

Mr. Speaker, I have highlighted the historical context of our recent review of the Auditor General's 2014 audit to show that, despite a significant amount of effort, changes in governance, and the ongoing dedication on the part of our community social workers and the Department of Family Services as a whole, much work remains to be done.

Mr. Speaker, the Auditor General's *2014 Follow-Up Report on Child and Family Services in Nunavut*, presented six specific recommendations to the government which bring greater focus to issues addressed in the fourteen recommendations of the Auditor General's 2011 Report. The recommendations in the 2014 Follow-Up Report address the following thematic areas:

- Staffing issues;
- Meeting the standards of service delivery;
- Collecting and using information and data; and
- Engaging parents and communities.

Mr. Speaker, the Standing Committee concurs with the recommendations of the Auditor General and notes that the government itself formally agreed with all of the Auditor General's recommendations.

Mr. Speaker, during the Committee's proceedings, Members raised many important issues and questions concerning the government's policies and practices relating to the delivery of services for children and youth in Nunavut and a number of themes and issues emerged during the Standing Committee's review of the Auditor General's most recent report to the Legislative Assembly.

Accordingly, the Standing Committee makes the following recommendations:

1. **That the Government of Nunavut, as a whole, ensure that Action Plans which are developed to address issues raised by the Auditor General of Canada be provided to the Standing Committee on Oversight of Government Operations and Public Accounts at the earliest opportunity.**

The Standing Committee was pleased to receive the Department of Family Services' *Quality Protects Action Plan* at the outset of the proceedings. However, there was little opportunity for Members to review the document prior to the hearings themselves and adequately question departmental officials on its contents.

The Department of Family Services' *Quality Protects Action Plan* proposes a total of nineteen actions in response to the six recommendations in the Auditor General's *2014 Follow-Up Report on Child and Family Services in Nunavut*. During the Standing Committee's hearings, departmental witness noted that a number of issues raised by Members would be addressed in the department's *Quality Protects Action Plan*. However, a more fulsome discussion may have been possible had Standing Committee Members had the opportunity to consider the proposed actions in advance.

Members further noted that Action Plans should be titled to reflect their specific purpose rather than using 'catch phrases' or 'slogan'-type language. It was noted that the phrase "Quality Protects" was in fact the title of a

program implemented in another jurisdiction to address shortcomings within its own child care system. This led Members to question whether the contents of the Department of Family Services' 2014 Action Plan reflected other aspects from the out-of-jurisdiction's program. The Standing Committee appreciated the clarification the contents of the out-of-jurisdiction program have not been incorporated into Nunavut's program. Standing Committee Members were given to understand that the department's intent in using this phrase was simply to convey its commitment to ensuring a level of quality in the services it delivers.

- 2. That Action Plans produced by the Government of Nunavut to address such issues as those raised in the reports of the Auditor General of Canada, are updated on a regular and consistent basis and that those updates be tabled in the Legislative Assembly on a regular and consistent basis.**

In June of 2011, following the Standing Committee's April 2011 hearings on the Auditor General's 2011 *Report on Children, Youth and Family Programs and Services in Nunavut*, the Minister of Health and Social Services of the day tabled a comprehensive action plan outlining his department's short-term, medium-term and long-term objectives to address each of the twenty recommendations raised in the Auditor General's report.

Of the many objectives proposed in the government's 2011 Action Plan, very little update has been provided to the Legislative Assembly to date.

The Standing Committee does note however that one key objective, to transfer all correctional services to the Department of Justice so that social workers no longer have to perform these duties in conjunction with their other duties, has been successfully achieved. The Standing Committee wishes to commend the government for its efforts in this area.

During the recent September hearings, the Department of Family Services' presented its *Quality Protects Action Plan* to the Standing Committee proposing a further nineteen actions to address the six recommendations in the Auditor General's 2014 report.

The Standing Committee wishes to stress the importance of providing ongoing updates on the government's progress in achieving the objectives proposed in its Action Plans. The majority of actions proposed in the government's 2011 Action Plan are still "live" and the Standing Committee encourages the government to provide updates on progress achieved in other areas addressed in its 2011 Action Plan, such as the review of its adoption legislation, as soon as practicable.

The Standing Committee further encourages the Department of Family Services to provide regular updates on progress achieved under its *Quality Protects Action Plan*. Given the paramount importance of ensuring the safety and protection of Nunavut's children and youth, the Standing Committee suggests that semi-annual progress reports on both Action Plans be tabled in the House.

- 3. That the Department of Family Services provide to the Standing Committee, in a timely manner, copies of all documentation and information that departmental witnesses committed to provide during their appearance before the Standing Committee on September 16 and 17, 2014.**

During the Standing Committee's hearings, departmental officials made a number of commitments to provide additional information, reports and other supporting documentation to the Committee in response to questions asked by Members.

The Standing Committee recognizes that, in the absence of the Director of Child and Family Services, departmental witnesses may not have been able to provide fully comprehensive responses to Members' questions. Committee Members appreciated the witnesses' commitments to make such information available to the Committee as soon as practicable and were pleased to receive a number of items just last week. Members look forward to receiving further information that witnesses committed to providing such as the department's 2013 Residential Care Action Plan, the results of audits performed by departmental directors and other items.

- 4. That the Department of Family Services work closely with other Government of Nunavut entities to address staffing needs at the community and regional levels.**

The Auditor General's 2011 Report and 2014 Follow-up Report both focused extensively on staffing issues and the need to address the training, recruitment and retention of social services staff.

Standing Committee Members have noted that the 2011 Action Plan proposed a number of actions in this area and again look forward to learning of progress in meeting those objectives.

During the September 2014 hearings, departmental witnesses indicated that some consideration had been given to hiring a full-time dedicated staffing consultant to focus on this area. Departmental representatives will need to

work with representatives from the Department of Finance to establish such a position or to find alternative solutions to hiring practices.

During the hearings, it was suggested that the Department of Family Services work more closely with Nunavut Arctic College to revise the Social Worker program to allow for the development of the professional qualifications necessary for candidates who wish to follow a career in social work in Nunavut.

Standing Committee Members note that, similar to the situation faced by other front-line government employees, such issues as the lack of office space and the lack of housing have negative impacts of the department's ability to hire and retain community social services staff. The Committee encourages departmental representatives to continue to work with representatives from the Department of Community and Government Services and the Nunavut Housing Corporation to develop strategies to meet needs in these areas.

5. That the Department of Family Services take the necessary steps to ensure that all community social worker staff have the mandatory training required by law.

During the Standing Committee's hearings, Members were somewhat concerned to note that a significant proportion of staff working as social workers did not yet have the mandatory training and certifications required by law. The Standing Committee has raised concerns in the past regarding individuals being hired to work under 'Letters of Authority' in the absence of the appropriate training and certification. Members remain concerned that the practice of issuing such "Letters of Authority" compromises the quality and level of service that is being provided to Nunavut's children and youth and feel strongly that this situation must be addressed as soon as practicable.

6. That the Department of Family Services continue to work towards developing and establishing key metrics and benchmarks by which to evaluate workloads faced by social workers and establish relevant and appropriate workload standards by 2015.

During the course of its hearings, the Standing Committee noted that the department has made little progress in defining standards by which to evaluate caseloads faced by social workers. Recognizing that caseloads are often determined by the types of situations faced by both clients and staff, Members nonetheless felt it important that steps be taken to determine the appropriate levels in a measurable and quantifiable manner.

The Standing Committee appreciates that the department needs to develop and implement a system that can adequately record and document services delivered in order to be able to conduct the necessary assessments. Members note that such a tool would provide the supporting validation should additional resources be required to deliver such services as well as providing a means to track staff training requirements and certification.

- 7. That the Department of Family Services continue to work towards developing and establishing an electronic case management system by which to collect, consolidate and analyze information on children and youth requiring and receiving protection and care services.**

Throughout the Standing Committee's hearings, departmental witnesses continually stressed the need for a robust electronic system which could be used across the territory to enable the department to collect and track data and information regarding the services provided to children and youth.

The Standing Committee would note that this issue was not only addressed in its previous report on its review of the Auditor General's 2011 *Report on Children, Youth and Family Programs and Services in Nunavut* but was also highlighted in the Standing Committee's Report on its Review of the Auditor General's 2011 report. The Committee is extremely disappointed at the lack of progress in this area.

The Committee notes further that appropriate systems have been developed and implemented in such service delivery areas as health, income assistance and education and would support a similar investment with respect to the delivery of social services.

- 8. That the Government of Nunavut continue to work towards developing policies and practices to establish privacy safeguards for personal information that is provided in accordance with the law to entities such as designated Inuit organizations in the course of implementing the *Child and Family Services Act* or the *Adoption Act*.**

And further, that the government review the necessity and effectiveness of the current statutory provisions in the *Child and Family Services Act* and the *Adoption Act* which involve entities such as designated Inuit organizations in the implementation of the legislation.

The Standing Committee on Oversight of Government Operations and Public Accounts recently addressed the issue of ensuring that privacy safeguards were in place with respect to personal information of social services clients during its hearing on the Auditor General's 2014 *Follow-up Report on Child*

and Family Services in Nunavut as well as during its September 2014 hearings on the 2012-2013/2013-2014 annual reports of the Information and Privacy Commissioner of Nunavut.

The Standing Committee would note that this issue was addressed in its previous report on its review of the Auditor General's 2011 *Report on Children, Youth and Family Programs and Services in Nunavut* and is extremely disappointed that the government has not made more effort to address this issue to date.

During our hearings, the Acting Deputy Minister of Family Services did not appear to be aware of the issue. Testimony provided by the Information and Privacy Commissioner during her appearance before the Standing Committee indicated that consultations with her office had not occurred to address this issue. Witnesses from the Department of Executive and Intergovernmental Affairs did not provide any further clarification on what progress the government has achieved on this issue to date.

Standing Committee Members further noted that with the lack of Inuktitut-speaking community social service workers, staff are often obliged to involve interpreter-translators or other personnel in working with clients. In addition, Members have raised concerns that social services staff working under 'Letters of Authority' may not have the necessary knowledge with respect to the specific implementation of the legislation and particularly with respect to confidentiality, which may further compromise the privacy considerations for clients.

9. That the Department of Family Services give further consideration to developing programs and allocating resources to engage parents, families and communities in finding solutions and strategies for keeping children safe, protected, comfortable and secure within their home communities.

The Standing Committee notes that the engagement of parents and communities in addressing the core issues that lead to the intervention of social services workers in ensuring the safety and protection of Nunavut's children and youth has been identified as a critical issue for several years. This was a key recommendation in the Auditor General's 2011 Report and is re-iterated in the Auditor General's 2014 Follow-up Report.

The Standing Committee also notes that similar recommendations appeared in the 2010 Report of the *Knowledge Sharing Forum* as well as in the 2011 *Nunavut Social Services Review* prepared by the Child Welfare League of Canada.

Following the Standing Committee's hearings, Members are concerned that there appears to be an ongoing lack of focus on the part of the Department of Family Services on working with parents and families after children have been apprehended to ensure that parenting skills, family situations or life circumstances are improved upon so that children can return to their homes as soon as possible.

Given the importance of the family dynamic within Inuit Qaujimajatuqangit and society as a whole, it is critical that family and community members are involved in determining the best ways to deliver child and youth services in Nunavut and to ensure the safety of our children. In recent deliberations in the Legislative Assembly, the Minister of Family Services herself noted that this is an area which requires further implementation. The Standing Committee looks forward to seeing progress in this area in the near future.

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.