

Deputy Ministers' Manitoba Advocate for Children and Youth Recommendations Action Planning (MACY-RAP) Committee Report

Circling Star – April 23, 2019



In March 2018, the Government of Manitoba proclaimed *The Advocate for Children and Youth Act* affording expanded authorities to the Manitoba Advocate for Children and Youth (MACY). As part of the expanded mandate, MACY now has the ability to publicly release child death investigations and publicly report on government's progress on the recommendations made in those reports.

On October 19, 2018, the Manitoba Advocate publicly released her first special report entitled, *Documenting the Decline: The Dangerous Space between Good Intentions and Meaningful Interventions*. The youth in this report was identified as "Circling Star" given his involvement with the youth criminal justice system and the confidentiality restrictions within the federally legislated *Youth Criminal Justice Act (YCJA)*.

As a proactive measure to ensure a whole-of-government approach to the Circling Star report and other reports that will follow, the deputy ministers responsible for Manitoba's social services created a special committee to review, analyze and respond to MACY recommendations. The Deputy Ministers' Manitoba Advocate for Children and Youth Recommendations Action Planning (MACY-RAP) committee consists of deputy ministers from the departments of Justice, Families, Education and Training and Health, Seniors and Active Living.

Given the importance of this work, it is the intention of the MACY-RAP committee to work as a collective and respond to MACY recommendations from a whole-of-government perspective. It is MACY-RAP's belief that government's response to MACY recommendations will be infinitely more successful by utilizing a collective approach.

Manitoba's progress on the recommendations from *Documenting the Decline: The Dangerous Space between Good Intentions and Meaningful Interventions* is below.

RECOMMENDATION ONE:

The Manitoba Advocate for Children and Youth recommends that the Province of Manitoba respond to the persistent lack of coordination between services for children and youth by developing and implementing a provincial strategy to train service providers on the requirement to share information across systems and ensure children and youth are at the centre of all service provision. This is to be developed, delivered, and evaluated in consultation with Manitoba Education and Training, Manitoba Families, Manitoba Justice, and Manitoba Health, Seniors and Active Living.

Summary of activities completed in the last six months

An inter-departmental working group with representatives from Manitoba Education and Training, Manitoba Families, Manitoba Justice and Manitoba Health, Seniors and Active Living has developed supporting materials to facilitate information sharing under *The Protecting Children (Information Sharing) Act* (PCISA).

The PCISA authorizes sharing personal and personal health information about supported children and their parents or guardians when planning or providing services to supported children. Information may only be shared when it is in a child's best interest to do so.

A public website with plain-language information for service providers includes resources to guide information sharing under the PCISA. The materials include:

- frequently asked questions;
- clear guidance to ensure that service providers know how to share information under the PCISA;
- a sample notification guidance sheet to support service providers to explain how information may be shared under the PCISA to children and their parents or guardians; and
- a decision-making tree that will help service providers and determine whether they can share information.

The website also includes information for children and parents whose information may be shared under the PCISA.

Manitoba Families is currently developing an online training resource for government staff who are authorized to share information under the PCISA. Departmental policies related to information-sharing are being revised to reflect the PCISA. Departments are also responsible for providing training and/or information on the PCISA to their staff and constituent organizations on an ongoing basis.

Presentations on the PCISA have been delivered at a variety of forums, such as a multi-sectoral community safety protocol workshop. These types of presentations are ongoing.

RECOMMENDATION TWO:

The Manitoba Advocate for Children and Youth recommends that the Department of Education and Training through Healthy Child Manitoba (HCM), and with participation from all school divisions, conduct an urgent review of the current use of out-of-school suspensions and expulsions, and develop a province-wide strategy to limit, reduce, and phase-out exclusionary practices, except in situations of imminent safety risk to students and staff. This review and strategy should provide evidence-informed disciplinary alternatives that are in line with the best interests of the child and respect the right of children and youth to education.

Summary of activities completed in the last six months

A school attendance task force is being established in April 2019. The deputy ministers of Education and Training and Justice will co-chair and the task force will include superintendents of school divisions and community leaders. They will meet on a monthly basis and address issues such as school suspensions, expulsions and chronic absenteeism.

RECOMMENDATION THREE:

The Manitoba Advocate for Children and Youth recommends the Department of Health, Seniors and Active Living implement, in full, recommendation 5.4, per the Virgo report, as follows: *“Establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that challenge access to, and coordination of, services. The process of developing this [Manitoba’s Mental Health and Addictions] Strategy, as well as any new opportunities and resources for working together (e.g., through Jordan’s Principle), should be viewed as an accelerator of a new period of trust and collaboration based on shared beliefs and strengths among all partners, and should include an interest in wellness, hope and family/community health.”* (MHA Strategy p.237)

Summary of activities completed in the last six months

The Manitoba mental health and addictions system strategy and design project is a whole-of-government approach to ensuring services are accessible to Manitobans who need them. This includes work related to the implementation of recommendations made in the Virgo report as well as broader system design work to improve the integration and coordination of services. Children and youth are identified as a priority population in the Virgo report. As such, implementation planning is focused on improving services across multiple sectors for this population. A number of recommendations identified as having potential for immediate or short-term impact have been implemented or are in the process of being finalized.

For example, in January 2019, Health, Seniors and Active Living announced a partnership with Bell Let’s Talk to fund Strongest Families Institute (SFI) to provide mental health services to children, youth and their families. SFI is a clinically-proven, telephone-based coaching service that provides up to 17 sessions to children, youth and their families who are experiencing mild to moderate mental health challenges. SFI will schedule the coaching calls at a time that is convenient for the families, including evenings and weekends. As SFI’s services are provided by telephone, geographical barriers are eliminated, increasing the availability of services in rural and remote communities, including Indigenous communities. A minimum of 200 families will be served each year through this initiative.

The Manitoba government accepts the definition of Jordan’s Principle set out by the Canadian Human Rights Tribunal, which includes the principle of substantive equality. We are committed to putting the needs of children first so that service is not

delayed, and will accomplish this by working with Indigenous leadership and the federal government.

In January 2019, Families Minister Heather Stefanson and Health, Seniors and Active Living Minister Cameron Friesen wrote to Assembly of Manitoba Chiefs Grand Chief Arlen Dumas requesting input on how the Manitoba government can best engage with Indigenous leadership on Jordan's Principle.

In February 2019, these ministers also sent a letter to federal Minister of Indigenous Services Seamus O'Regan seeking more information about the level of federal funding and related policies effective March 2019 and for information on Jordan's Principle funding for individuals and communities provided to date in Manitoba.

Provincial staff have formed an interdepartmental Jordan's Principle working group with representation from the Families, Health, Seniors and Active Living, Education and Training, Indigenous and Northern Relations, and Finance. The working group was created in order to share information, review policies, liaise with federal and Indigenous partners, and develop coordinated service responses as needed.

The working group has engaged with Indigenous and federal officials to learn more about Jordan's Principle implementation in Manitoba, and will continue to meet to determine the best way for the Manitoba government to support the implementation of Jordan's Principle in the province.

RECOMMENDATION FOUR:

The Manitoba Advocate for Children and Youth recommends that the Department of Health, Seniors and Active Living, together with front-line addiction service providers in Manitoba, Healthy Child Manitoba, Indigenous communities, and subject matter experts on addictions, immediately respond to the lack of effective substance use treatment services for youth by prioritizing the development and implementation of a youth addiction action strategy. This strategy should be based on best practice evidence with the objective of ensuring that children and youth across Manitoba can exercise their right to the highest attainable standard of health.

Summary of activities completed in the last six months

Several concurrent initiatives related to mental health and addictions are underway. Relevant departments are actively engaging child and youth addiction service providers such as the Manitoba Adolescent Treatment Centre, Winnipeg Regional Health Authority, Addictions Foundation of Manitoba and Marymount to identify immediate, actionable solutions to address policy and process barriers to youth readily accessing addiction service.

Manitoba Health, Seniors and Active Living's strengthened mandate for health system policy, commissioning, performance and accountability management came into effect on January 7, 2019, with the introduction of a new departmental structure. The intent of this change is to allow the department to focus its work on policy, planning, funding and

oversight, which will include strengthening performance monitoring of health service delivery organizations.

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RECOMMENDATION FIVE:

The Manitoba Advocate for Children and Youth recommends that the Department of Justice improve communication across the divisions within its department, including probation services, victim services, and prosecution services, as well as with the legal community (e.g. legal aid), and the courts to ensure that probation orders are relevant, effective, child-centred, realistic (given limitations in remote and rural communities), and achievable. The Advocate further recommends that the Department of Justice evaluate their capacity to provide the programming for youth to meet their probation conditions and determine whether or not existing programs and services are sufficient and accessible to youth living in rural and remote locations. When gaps are identified, strategies for culturally appropriate alternatives and program delivery need to be developed.

Summary of activities completed in the last six months

In March 2018, the government announced the criminal justice system modernization (CJSM) strategy. The CJSM strategy clearly outlines the department's plan to move forward as a collective with the goal of improved outcomes and public safety in our communities. The introduction of the CJSM strategy has contributed to improved communication and dialogue within all divisions of the department. It has also enhanced much of the previous work already completed between the community safety division, courts division and other key stakeholders to ensure a youth-centered lens to youth sentencing practices.

In February 2019, the government announced it is undertaking a review of the current youth justice system in Manitoba and its connections to the child welfare system, with the aim of ending cycles of crime for at-risk youth.

A team of senior staff from Manitoba Justice and Manitoba Families will report back to government, with recommendations and an implementation plan to be made public later in the 2019-20 fiscal year. Significant process has been made in this work and the review team has completed an analysis on leading practices throughout the country. In

addition, the review team has assessed several pieces of legislation, inclusive of *The Protection of Sexually Exploited Children Act (Alberta)* and *The Protection of Children Abusing Drugs Act (Alberta)* as recommended by MACY in previous reports, as well as *The Child, Youth and Family Services Act (Ontario)*.

This work will result in changes to how the province deals with youth who come into the criminal justice system, with the goals of:

- reducing reoffending;
- reducing incarceration, while still managing risks to public safety; and
- enhancing access to treatment and support for young offenders to end cycles of crime.

In March 2019, the government announced new Fetal Alcohol Spectrum Disorder (FASD) court dockets in Winnipeg for youth and adults (to age 25) with a FASD diagnosis. These new court dockets will enhance the good work already done by the department over the last several years in working with youth who struggle with the realities of living with FASD.

Manitoba Justice continuously monitors programming provided throughout the province. Significant changes have been made to service delivery over the last several years, after Circling Star's time receiving services within the criminal justice system. These changes include the creation of the Centralized First Nations Unit which provides more comprehensive service to remote Indigenous communities.

Additionally, the department broadly supports the development, delivery and evaluation of rehabilitative programming for individuals involved in the justice system. Rehabilitative programs based on best practices, such as Thinking Awareness Group, Informational Anger Management and Reclaiming Youth Self Expressions are offered throughout the province.

Furthermore, Indigenous departmental staff have created the Reclaiming Our Identity (ROI) program. ROI is a culturally-based program that promotes awareness, personal development, and healing for Indigenous people. Participants learn the culture, history, and impacts of colonization on Indigenous societies during the pre-contact, contact, and current periods. Cultural teachings are used to assist Indigenous people to internalize and take responsibility for their actions. The program structure is based on the Medicine Wheel and is widely applicable. Participants develop their own culturally appropriate case plans. ROI also emphasizes how additional intervention programs are part of the healing journey.

Manitoba Justice continues to have open communication with community leadership to address intermittent challenges in rural and remote locations. This includes jurisdictional issues, which can make it difficult for provincial programming to always occur seamlessly throughout each community in Manitoba.

RECOMMENDATION SIX:

The Manitoba Advocate for Children and Youth recommends that the Department of Families in partnership with the Child and Family Services (CFS) Authorities: (1) clarify training content and expectations of workers and supervisors with respect to CFS minimum provincial standards, and (2) prioritize the development of high quality, culturally appropriate, modernized, and accessible training on the minimum provincial service standards within two years. The Advocate further recommends that all existing workers who have not received training on minimum standards and all new CFS workers be required to complete this training within three to six months.

Summary of activities completed in the last six months

The child welfare legislative review committee has made recommendations which are currently under consideration by government. The report of the committee can be found here: https://www.gov.mb.ca/fs/child_welfare_reform/index.html. These changes will result in changes to the CFS standards manual, so once these have occurred, Manitoba Families will work with the four child welfare authorities on an updated standards manual and to co-ordinate training for agency staff.

The existing training for standards is provided through Manitoba Families as follows:

- An overview of the CFS standards is provided in the third caseworker core module, Legal Principles and Practices in Child Welfare Services in Manitoba. This training is available to all CFS agency staff in Manitoba. Some specific standards are highlighted in this training and are provided to participants in the caseworker core and supervisor core training.
- Standard 1.8.1: Workforce Qualifications and Standard 1.8.2: Human Resources Practices are provided to the participants in supervisor core module 4, Fundamentals of Improving Individual Staff Performance.

The CFS authorities are responsible for providing training on CFS standards. The following feedback has been provided by the authorities through the joint training team:

- General Child and Family Services Authority: all staff participate in case management and standards training after being hired; foster care standards training for new staff is conducted by supervisors with authority assistance (very low turnover in these positions); standards for places of safety, moving a child from a foster home and Fetal Alcohol Spectrum Disorder (FASD) were initially extensively provided to staff and now are “on demand” or via supervisor.
- Métis Child and Family Services Authority: for Métis Child, Family and Community Services, standards training is part of orientation for new staff; Michif CFS reports the agency is currently revising/updating standards training.
- Southern First Nations Network of Care: the authority is developing an electronic portal so staff can access up to date training materials including standards; case management standards training (two days) has been revised and will be delivered monthly starting May/June 2019; transitional planning training (one day) will include

standards and is to be delivered to those in this field and then quarterly/as requested; FASD standards training for staff and foster parents (one day) is provided quarterly; child and family services application (CFSA) training and case management standards (four days) is offered every two months and as requested; CFSA training and foster care standards (three days) is provided as requested.

- First Nations of Northern Manitoba Child and Family Services Authority: reviewing current practice.

The authorities advised that workforce qualification standards are the responsibility of the authorities' human resources departments.