

A close-up photograph of two hands, one holding the other, with a warm, golden light in the background. The hands are positioned in the center-left of the frame. The hand being held is wearing a purple and orange striped sleeve and a small silver bracelet. The hand holding it is wearing a teal sleeve. The background is a soft, out-of-focus green and yellow, suggesting an outdoor setting with sunlight.

RIGHTS DELAYED ARE RIGHTS DENIED

SUMMARY ASSESSMENT OF GOVERNMENT COMPLIANCE WITH RECOMMENDATIONS MADE UNDER THE ADVOCATE FOR CHILDREN AND YOUTH ACT

A SPECIAL REPORT BY THE MANITOBA ADVOCATE FOR CHILDREN AND YOUTH, 2022

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About Our Office

The Manitoba Advocate for Children and Youth is an independent, non-partisan office of the Manitoba Legislative Assembly. We represent the rights, interests, and viewpoints of children, youth, and young adults throughout Manitoba who are receiving, or should be receiving, provincial public services. We do this by providing direct advocacy support to young people and their families, by reviewing public service delivery after the death of a child, and by conducting child-centred research regarding the effectiveness of public services in Manitoba. The Manitoba Advocate is empowered by legislation to make recommendations to improve the effectiveness and responsiveness of services provided to children, youth, and young adults. We are mandated through *The Advocate for Children and Youth Act*, guided by the *United Nations Convention on the Rights of the Child* (UNCRC), and we act according to the best interests of children and youth.

Our Vision

A safe and healthy society that hears, includes, values, and protects all children, youth, and young adults.

Our Mission

We amplify the voices and champion the rights of children, youth, and young adults.

Our Values

Child-Centredness; Equity; Respect; Accountability; Independence

OUR COMMITMENT TO RECONCILIATION

The mandate of our office extends throughout the province of Manitoba and we therefore travel and work on a number of Treaty areas. Our offices in southern Manitoba are on Treaty 1 land, and our northern office is on Treaty 5 land. The services we provide to children, youth, young adults, and their families extend throughout the province and throughout Treaty areas 1, 2, 3, 4, 5, 6, and 10, which are the traditional territories of the Anishinaabeg, Anishininewuk, Dakota Oyate, Denesuline and Nehethowuk. We acknowledge part of Manitoba is located on the homeland of the Red River Métis.

As an organization, we are committed to the principles of decolonization and reconciliation and we strive to contribute in meaningful ways to improve the lives of all children, youth, and young adults, but especially to the lives of First Nations, Metis, and Inuit young people, who continue to be under-served and over-represented in many of the systems which fall under our mandate for advocacy, investigation, research, and review.

With a commitment to social justice and through a rights-based lens, as an office, we integrate the *United Nations Convention on the Rights of the Child*, the *United Nations Declaration on the Rights of Indigenous Peoples*, the national Truth and Reconciliation Commission's *Calls to Action* and the Missing and Murdered Indigenous Women and Girls Inquiry's *Calls for Justice* into our practice. Our hope is that the scope of our work on behalf of children, youth, young adults, and their families contributes to amplifying these voices and results in tangible improvements to their lives and experiences.

To view our ReconciliAction Framework, which describes the measures and activities we are taking as an office towards reconciliation, please visit: <https://manitobaadvocate.ca/wp-content/uploads/MACY-ReconciliACTION-Framework-Final.pdf>

ACKNOWLEDGEMENTS

We would first like to recognize that the recommendations analyzed here are the result of investigations and special reports into the lives of children, youth, and young adults who were injured, who died, or who suffered injustices in Manitoba. We honour and remember them by first telling their stories, and then by monitoring compliance with recommendations their stories inspired in order to improve safety and reduce deaths for other children facing similar circumstances. We are grateful to Sherri Walsh, who served as Commission Counsel for the *Phoenix Sinclair Inquiry*. Her wisdom and expertise were instrumental as our office conducted detailed analysis of the Government of Manitoba's progress on recommendations arising from that public inquest. We also acknowledge the work and commitment of service providers who serve Manitobans and who have cooperated fully with the compliance monitoring process.





“Rights delayed are rights denied. As this special report emphasizes, delays in action continue to deny children’s rights. As the Manitoba Advocate for Children and Youth, I am committed to fairness, transparency, and ongoing collaboration with the Government of Manitoba to prioritize necessary changes in order to improve services for children, youth, young adults, and families across our province.”

**Sherry Gott,
Manitoba Advocate for
Children and Youth**

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MESSAGE FROM THE ADVOCATE

Everyone at the Manitoba Advocate for Children and Youth's office is dedicated to improving delivery of the public systems serving young people in Manitoba. One of the ways we do this is by issuing recommendations and then monitoring and publicly reporting on how governments are responding to those recommendations. This process provides all Manitobans with an understanding of what actions the government is taking to improve services for children, youth, and young adults across our province in a transparent and accountable way.

This special report provides Manitobans with a yearly update of progress made by public bodies on recommendations issued under *The Advocate for Children and Youth Act* (ACYA) between 2018 and 2022. You will find our analysis of actions taken by the provincial government in response to the 67 recommendations the Manitoba Advocate for Children and Youth (MACY) has issued in 10 special reports to the Governments of Manitoba and Canada. More specifically, our audit focuses on the progress reported by the provincial Departments of Families, Justice, Education and Early Childhood Learning, Health, and Mental Health and Community Wellness.

Over the last year, the Government of Manitoba's COVID-19 pandemic response has continued to shift some priorities towards responses to safeguard Manitobans, but I am nonetheless pleased that eight additional recommendations have been deemed fully compliant. This means a total of 18% (12/67) of all recommendations are now complete. I am also encouraged that 88% (59/67) of the formal recommendations issued since 2018 have demonstrated actions towards implementation (up by 45% from last year). Importantly, 82% (55/67) of recommendations issued since 2018 remain open. This special report outlines where priority action is needed to address service gaps and to protect children's rights.

Section 2 of this special report notes important differences in compliance levels depending on the issue, report, and department.

As in previous years, **Manitoba Education and Early Childhood Learning** remains the department with the highest levels of compliance with MACY's recommendations. This year, that department continued to make progress in its implementation of recommendations with a compliance rate of 93%. I commend the department for its work to fully implement four recommendations concerning the Indigenous Inclusion Strategy and efforts to limit, reduce, and phase out exclusionary practices in schools, like suspensions and expulsions.

At 53%, **Manitoba Justice** is the only other provincial department that has an average compliance rate above 50%. It is hoped that when the Youth Justice review – which was initiated in 2019 – is completed, there will be more movement towards the implementation of all outstanding recommendations. While that system review remains incomplete, there are other important areas Manitoba Justice can focus on to move additional recommendations towards full compliance.

Manitoba Families is the only provincial department that saw its compliance rate decrease. Owing largely to lower compliance rates with the recommendations issued to prevent sleep-related infant deaths and those in the *Disabilities* special report, the department sits at 42% compliance, down 1% from last year. That said, Manitoba Families was able to fully implement two recommendations related to educating the public about the sexual exploitation of children/youth and changes to provincial standards to improve safety in infant sleep environments.



**SHERRY GOTT,
MANITOBA ADVOCATE FOR
CHILDREN AND YOUTH**

Manitoba Health continues to have the lowest average rating of the domains at 25% – a rate which has remained unchanged for the last three years. Like Manitoba Families, this compliance rating is associated with a lack of action reported towards implementing the recommendations issued in the *Safe Sleep* and *Disabilities* special reports. For the last two years, Manitoba Health has reported to my office that its consistently slow implementation of the Advocate's recommendations has been due to departmental constraints related to COVID-19. With the removal of all COVID-19 health measures and restrictions this past spring, the Department of Health must begin to prioritize action on recommendations. By delaying service improvements for a few years, children and youth have essentially been asked to wait until the pandemic is over before vital, and life-saving improvements could be made to their health services. Frankly, kids cannot wait any longer and this special report explains why.

My office welcomes the newly-created **Manitoba Mental Health and Community Wellness** department as a step in the right direction towards improving services for children and youth living with mental health and substance use disorders. Although this department was assessed for the first time this year with an overall compliance rate of 48%, I am pleased to report that 70% of the department's open recommendations are partially or largely complete. Key work remains to implement a child-specific mental health and addictions strategy that addresses urgent gaps for children and youth related to mental health and addictions.

My team and I have identified three areas for the provincial government to prioritize. These are addressed in detail in Section 3 of this special report:

- Capacity inequalities for Indigenous child welfare authorities and the outstanding *Phoenix Sinclair Inquiry* recommendations
- Implementation of safe sleep-related infant death recommendations
- Implementation of mental health and addictions recommendations

All children, including infants, have rights, and governments have corresponding duties as outlined in the *United Nations Convention on the Rights of the Child* (UNCRC). As an organization, MACY's work, from youth engagement, to direct

advocacy, to investigations, research, and compliance auditing, is grounded in children's rights. Our work is informed by a human rights and children's rights approach because children's rights are not optional. As Martin Luther King Jr. said, "a right delayed is a right denied."

Inaction on recommendations, including these three issues, represents an unnecessary delay. This delay is preventing the rights of children and youth in Manitoba from being fully realized. The UNCRC is clear: all children and youth are entitled to life, survival, and development (Article 6); to protection from violence, neglect, and abuse (Article 19); and to the best possible health services, including those to diminish infant and child mortality (Article 24). When Canada ratified the UNCRC, Canadian provincial and federal governments agreed to be held accountable to those responsibilities. Taking action towards compliance in these three areas will go a long way to improving provincial services, filling gaps, and protecting the rights of all children, youth, and young adults in Manitoba. For some children and youth, their lives depend on it.

My team and I thank all government representatives and service providers who worked collaboratively with us throughout the yearly compliance process and who, like us, work every day to improve the lives of children and youth in the province. When provincial departments implement recommendations arising from our child death investigations and other research, this demonstrates a commitment that children are, indeed, a priority and should not be made to wait to receive the public services they require to live, grow, and develop to their amazing potential.



Sherry Gott, BSW, MSW, RSW
Manitoba Advocate for
Children and Youth

MESSAGE DE LA PROTECTRICE DU MANITOBA

Tous les membres du Bureau du protecteur des enfants et des jeunes du Manitoba ont pour mission d'améliorer la prestation des services des systèmes publics desservant les jeunes au Manitoba. L'une des façons d'y parvenir est de formuler des recommandations, puis d'assurer un contrôle et de rendre compte publiquement de la façon dont les gouvernements répondent à ces recommandations. Ce processus permet à tous les Manitobains et Manitobaines de comprendre les mesures prises par le gouvernement pour améliorer les services offerts aux enfants, aux jeunes et aux jeunes adultes de la province de manière transparente et responsable.

Ce rapport spécial fournit aux Manitobains et Manitobaines une mise à jour annuelle des progrès réalisés par les organismes publics concernant les recommandations émises en vertu de la *Loi sur le protecteur des enfants et des jeunes* entre 2018 et 2022. Vous trouverez notre analyse des mesures prises par le gouvernement provincial en réponse aux 67 recommandations émises par le Bureau du protecteur des enfants et des jeunes du Manitoba dans 10 rapports spéciaux présentés aux gouvernements du Manitoba et du Canada. Plus précisément, notre vérification porte sur les progrès signalés par les ministères provinciaux de la Famille, de la Justice, de l'Éducation et de l'Apprentissage de la petite enfance, de la Santé, et de la Santé mentale et du Bien-être de la communauté.

Au cours de la dernière année, la réponse du gouvernement face à la pandémie de COVID-19 a continué de faire évoluer certaines priorités au profit de mesures visant à protéger les Manitobains et Manitobaines, mais je suis néanmoins heureuse que huit recommandations supplémentaires aient été jugées entièrement conformes. Cela signifie qu'un total de 18 % (12/67) de toutes les recommandations est maintenant mis en œuvre. Je suis également encouragée par le fait que 88 % (59/67) des recommandations formelles émises depuis 2018 ont donné lieu à des mesures en vue de leur mise en œuvre (en hausse de 45 % par rapport à l'année dernière).

Il est important de noter que 82 % (55/67) des recommandations émises depuis 2018 restent ouvertes.

Ce rapport met en évidence les domaines où des actions prioritaires sont nécessaires pour combler les lacunes de service et protéger les droits de l'enfant. La section 2 du présent rapport note des différences importantes dans les niveaux de conformité selon la question, le rapport et le ministère.

Comme les années précédentes, **le ministère de l'Éducation et de l'Apprentissage** de la petite enfance du Manitoba demeure le ministère ayant les plus hauts niveaux de conformité aux recommandations du Bureau du protecteur des enfants et des jeunes du Manitoba. Cette année, ce ministère a continué de faire des progrès en ce qui concerne la mise en œuvre des recommandations, avec un taux de conformité de 93%. Je félicite le ministère pour son travail visant à mettre pleinement en œuvre quatre recommandations concernant la Stratégie d'inclusion autochtone et les efforts déployés pour limiter, réduire et éliminer progressivement les pratiques d'exclusion dans les écoles, comme les suspensions et les expulsions.

Avec un taux de 53%, **le ministère de la Justice du Manitoba** est le seul autre ministère provincial dont le taux de conformité moyen est supérieur à 50%. Nous espérons que lorsque l'examen de la justice pour les jeunes sera terminé, lequel a été lancé en 2019, il y aura davantage de progrès vers la mise en œuvre de toutes les recommandations en suspens. Bien que cet examen du système soit incomplet, il y a d'autres domaines importants sur lesquels



SHERRY GOTT,
Protectrice des enfants et
de jeunes du Manitoba

le ministère de la Justice du Manitoba peut se concentrer pour faire progresser les recommandations supplémentaires vers une conformité totale.

Le ministère de la Famille du Manitoba est le seul ministère provincial qui a vu son taux de conformité diminuer. En grande partie à cause de la baisse des taux de conformité aux recommandations émises pour prévenir les décès de nourrissons liés au sommeil et à celles du rapport sur les incapacités, le ministère se situe à 42 % de conformité, soit une baisse de 1 % par rapport à l'an dernier. Cela dit, le ministère de la Famille du Manitoba a été en mesure de mettre pleinement en œuvre deux recommandations concernant la sensibilisation du public à l'exploitation sexuelle des enfants et des jeunes et la modification des normes provinciales pour améliorer la sécurité des environnements de sommeil des nourrissons.

Le ministère de la Santé du Manitoba continue d'avoir la cote moyenne la plus faible parmi les domaines, soit 25 % – un taux qui est demeuré inchangé au cours des trois dernières années. Tout comme pour le ministère de la Famille du Manitoba, cette cote de conformité est associée au manque de mesures signalées pour mettre en œuvre les recommandations formulées dans les rapports sur le sommeil sécuritaire des nourrissons et sur les incapacités. Au cours des deux dernières années, le ministère de la Santé du Manitoba a signalé à mon bureau que la lenteur constante de la mise en œuvre des recommandations du protecteur était due à des contraintes ministérielles liées à la COVID-19. Avec la levée de toutes les mesures et restrictions sanitaires liées à la COVID-19 au printemps dernier, le ministère de la Santé doit commencer à accorder la priorité à la mise en œuvre des recommandations. En retardant de quelques années l'amélioration des services, on a essentiellement demandé aux enfants et aux jeunes d'attendre que la pandémie soit terminée pour que des améliorations vitales et indispensables soient apportées à leurs services de santé. Honnêtement, les enfants ne peuvent plus attendre et ce rapport explique pourquoi.

Mon bureau se réjouit de la création du nouveau **ministère de la Santé mentale et du Bien-être de la communauté du Manitoba**, qui constitue un pas dans la bonne direction en vue

d'améliorer les services offerts aux enfants et aux jeunes qui vivent avec des troubles de santé mentale et de dépendance. Bien que ce ministère ait été évalué pour la première fois cette année avec un taux de conformité global de 48 %, j'ai le plaisir d'annoncer que 70 % des recommandations ouvertes du ministère ont été partiellement ou largement mises en œuvre. Il y a encore beaucoup de travail à faire pour mettre en œuvre une stratégie de santé mentale et de lutte contre les dépendances axée sur les enfants, afin de combler les lacunes urgentes pour les enfants et les jeunes en matière de santé mentale et de dépendances.

Mon équipe et moi-même avons identifié trois domaines auxquels le gouvernement provincial doit accorder la priorité. Ceux-ci sont abordés en détail dans la section 3 du présent rapport :

- Inégalités en matière de capacité pour les autorités autochtones de protection de l'enfance et recommandations en suspens de l'enquête Phoenix Sinclair
- Mise en œuvre de recommandations sur les décès de nourrissons liés à un sommeil sécuritaire
- Implantation des recommandations sur la santé mentale et la toxicomanie

Tous les enfants, y compris les nourrissons, ont des droits, et les gouvernements ont des devoirs correspondants, comme le souligne la *Convention des Nations Unies relative aux droits de l'enfant* (CNURDE). En tant qu'organisation, le travail du Bureau du protecteur des enfants et des jeunes du Manitoba, de la mobilisation des jeunes à la défense directe des droits, en passant par les enquêtes, les recherches et les vérifications en matière de conformité, est fondé sur les droits de l'enfant. Notre travail s'appuie sur une approche fondée sur les droits de la personne et les droits de l'enfant, car les droits de l'enfant ne sont pas une option. Comme l'a dit Martin Luther King Jr., «un droit retardé est un droit refusé».

L'inaction concernant les recommandations sur ces trois questions représente un retard inutile. Ce retard empêche les droits des enfants et des jeunes du Manitoba de se concrétiser pleinement. La CNURDE est claire : tous les enfants et les jeunes ont droit à la vie, à la survie et au développement (article 6); à la protection contre la violence

et la négligence (article 19); et aux meilleurs services de santé possibles, y compris ceux visant à prévenir la mortalité infantile (article 24). Lorsque le Canada a ratifié la CNURDE, les gouvernements provinciaux et fédéral canadiens ont accepté d'être tenus responsables de ces responsabilités. La prise de mesures visant à assurer la conformité dans ces trois domaines contribuera grandement à améliorer les services provinciaux, à combler les lacunes et à protéger les droits de tous les enfants, adolescents et jeunes adultes du Manitoba. Pour certains enfants et jeunes, leur vie en dépend.

Mon équipe et moi-même remercions tous les représentants du gouvernement et les fournisseurs de services qui collaborent

avec nous tout au long du processus annuel de conformité et qui, comme nous, œuvrent chaque jour pour améliorer la vie des enfants et des jeunes de la province. Lorsque les ministères provinciaux mettent en œuvre les recommandations découlant de nos enquêtes sur les décès d'enfants et d'autres recherches, cela témoigne d'un engagement selon lequel les enfants sont réellement une priorité et qu'ils ne devraient pas avoir à attendre pour recevoir les services publics dont ils ont besoin pour vivre, grandir et se développer afin de pouvoir réaliser leur incroyable potentiel.



**Sherry Gott, B.Serv.Soc., M.Serv.Soc.,
travailleuse sociale autorisée
Bureau du protecteur des enfants
et des jeunes du Manitoba**

COMPLIANCE HIGHLIGHTS: 2022

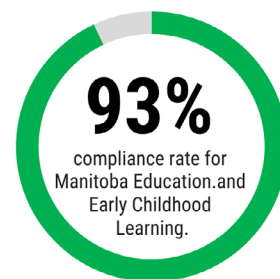


In 2022, MACY assessed

16 new recommendations

issued in 2021.

(*Note: Maltreatment Recommendations 3 and 4 have been excluded from this year's report)



Seven more MACY recommendations have been deemed **fully compliant**.

Angel's Story Rec. 3



Denounce sexual exploitation of children and youth and raise awareness through a public education campaign.

Boys Report Rec. 2



Continue work on an Indigenous Inclusion Strategy in schools, in collaboration with school divisions.

Circling Star Rec. 2



Conduct a review and develop a province-wide strategy to limit exclusionary practices

Matthew Rec. 2



Develop a province-wide strategy to limit, reduce, and phase out exclusionary practices.

Safe Sleep Rec. 12



Update CFS Standards to ensure safety of infant sleep arrangements, the sharing of safe sleep resources, and support families in locating safe sleep surfaces.

Suicide Aggregate Rec. 5



Denounce sexual exploitation of children and youth and raise awareness through a public education campaign.

Tina Fontaine Rec. 1



Review measurement of absenteeism, suspensions, expulsions, and create a province-wide strategy to address issues.

One MACY recommendation has been deemed fully compliant via an **alternative solution**.

Suicide Aggregate Rec. 3



Train government workers on trauma and its effects.

18% (12/67)

of MACY recommendations have been fully implemented

To improve progress and services for children and youth, MACY recommends prioritizing action to address...



Capacity inequalities for Indigenous child welfare authorities and outstanding Phoenix Sinclair Inquiry recommendations



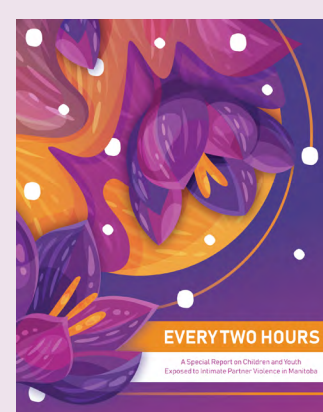
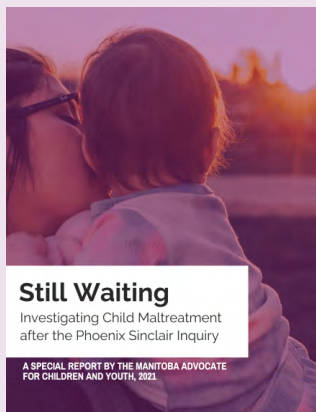
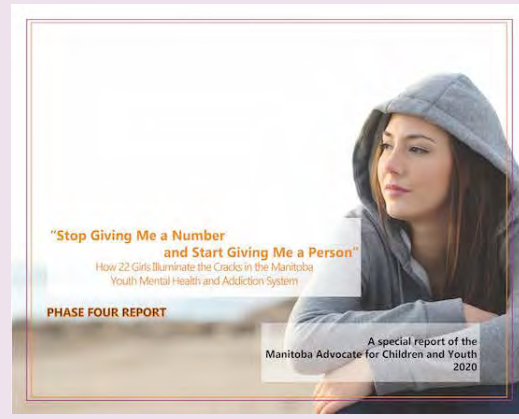
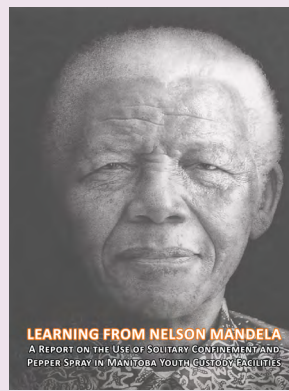
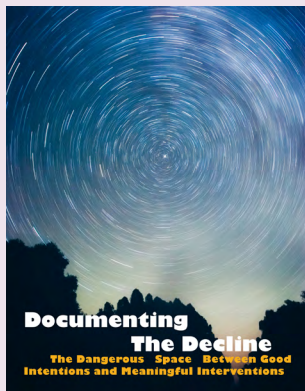
Implementation of safe sleep-related infant death recommendations



Implementation of mental health and addictions recommendations

MACY tracks progress and compliance on all of the Advocate's recommendations. For individual recommendation compliance assessments, visit ManitobaAdvocate.ca/recommendation-tracking/

Source: Data from 2018-2022 Manitoba Advocate for Children and Youth



SECTION 1

Introduction

Photos: Covers of the special reports released by the Manitoba Advocate for Children and Youth between 2018 and 2022

INTRODUCTION

The Manitoba Advocate for Children and Youth (MACY) strives to increase the effectiveness and responsiveness of public services to children, youth, young adults, and their families across the province through the development of special reports that issue recommendations for improvements.

The Manitoba Advocate has a mandate to monitor the implementation of recommendations included in serious injury or child death investigation reports and special reports. In accordance with *The Advocate for Children and Youth Act* (ACYA), the Advocate retains the responsibility pursuant to subsection 11(1) clause (d) “to monitor the implementation of recommendations included in reports made under Section 27 (investigation) or special reports made under section 31.” This is a process that ensures accountability and transparency of public services to Manitoba citizens.

Since the ACYA was proclaimed in 2018, the Manitoba Advocate has released 11 special reports that issued public recommendations. In total, **76 public recommendations** have been issued to address pressing issues for children, youth, young adults, and their families in Manitoba (Table 1).

Below: Photo of the Manitoba Advocate's office at 346 Portage Ave. in Winnipeg.



Table 1. Special Reports Released and Number of Recommendations

Date	Special Report Title	# of Recs
October 2018	<i>Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions (Circling Star)</i>	6
December 2018	<i>In Need of Protection: Angel's Story (Angel's Story)</i>	6
February 2019	<i>Learning from Nelson Mandela: Special Report on the Use of Segregation, Solitary Confinement, and Pepper Spray in Manitoba Youth Custody Facilities (Nelson Mandela)</i>	6
March 2019	<i>A Place Where It Feels Like Home: The Story of Tina Fontaine (Tina Fontaine)</i>	5
February 2020	<i>The Slow Disappearance of Matthew: A Family's Fight for Youth Mental Health Care in the Wake of Bullying and Mental Illness (Matthew)</i>	8
March 2020	<i>Safe and Sound: A Special Report on the Unexpected Sleep-related Deaths of 145 Manitoba Infants (Safe Sleep)</i>	13
May 2020	<i>"Stop Giving Me a Number and Start Giving Me a Person": How 22 Girls Illuminate the Cracks in the Manitoba Youth Mental Health and Addiction System (Suicide Aggregate)</i>	7
March 2021	<i>Still Waiting: Investigating Child Maltreatment after the Phoenix Sinclair Inquiry (Maltreatment)*</i>	5
March 2021	<i>Bridging the Gaps: Achieving Substantive Equality for Children with Disabilities in Manitoba (Disabilities)*</i>	9
November 2021	<i>Finding the Way Back: An Aggregate Investigation of 45 Boys who Died by Suicide or Homicide in Manitoba (Boys Report)*</i>	4
June 2022	<i>Every Two Hours: A Special Report on Children and Youth Exposed to Intimate Partner Violence in Manitoba (Intimate Partner Violence)**</i>	7
TOTAL		76

*Maltreatment Recommendations 3 and 4 have been excluded in this year's report.

** Every Two Hours recommendations were not included in this year's report.

REPORT SCOPE AND COMPLIANCE PROCESS

This special report summarizes MACY's assessments of progress by public bodies to implement **67 recommendations** from 10 special reports, including *Circling Star*, *Angel's Story*, *Nelson Mandela*, *Tina Fontaine*, *Matthew*, *Safe Sleep*, *Suicide Aggregate*, *Maltreatment*, *Disabilities*, and the *Boys Report*.

Recommendations issued in MACY's 2022 special report about Intimate Partner Violence were not included given insufficient time has passed (a minimum of six months) to assess compliance. In addition, Recommendations 3 and 4 of the *Maltreatment* special report were excluded until our office can consult more widely and undertake additional evidence gathering and assessments.

This special report includes analysis of recommendations made to the Government of Manitoba, to Manitoba Education and Early Childhood Learning, Manitoba Families, Manitoba Justice, Manitoba Health, Manitoba Mental Health and Community Wellness, and the Government of Canada.

It begins with a summary of compliance assessments by compliance level, special report, primary issue, and department. Next, it presents key opportunities to enhance departmental compliance with recommendations made to improve services for children, youth, young adults, and families.

Public bodies provided the Manitoba Advocate with updates on activities related to all open recommendations on June 30, 2022. The information provided was reviewed and a preliminary assessment was conducted by two policy analysts and the program manager of

the Manitoba Advocate's Research and Quality Assurance Programs, as well as a review by MACY's legal team. A peer review process was conducted to ensure internal consistency of assessment, and final analysis was presented to the Manitoba Advocate for review.

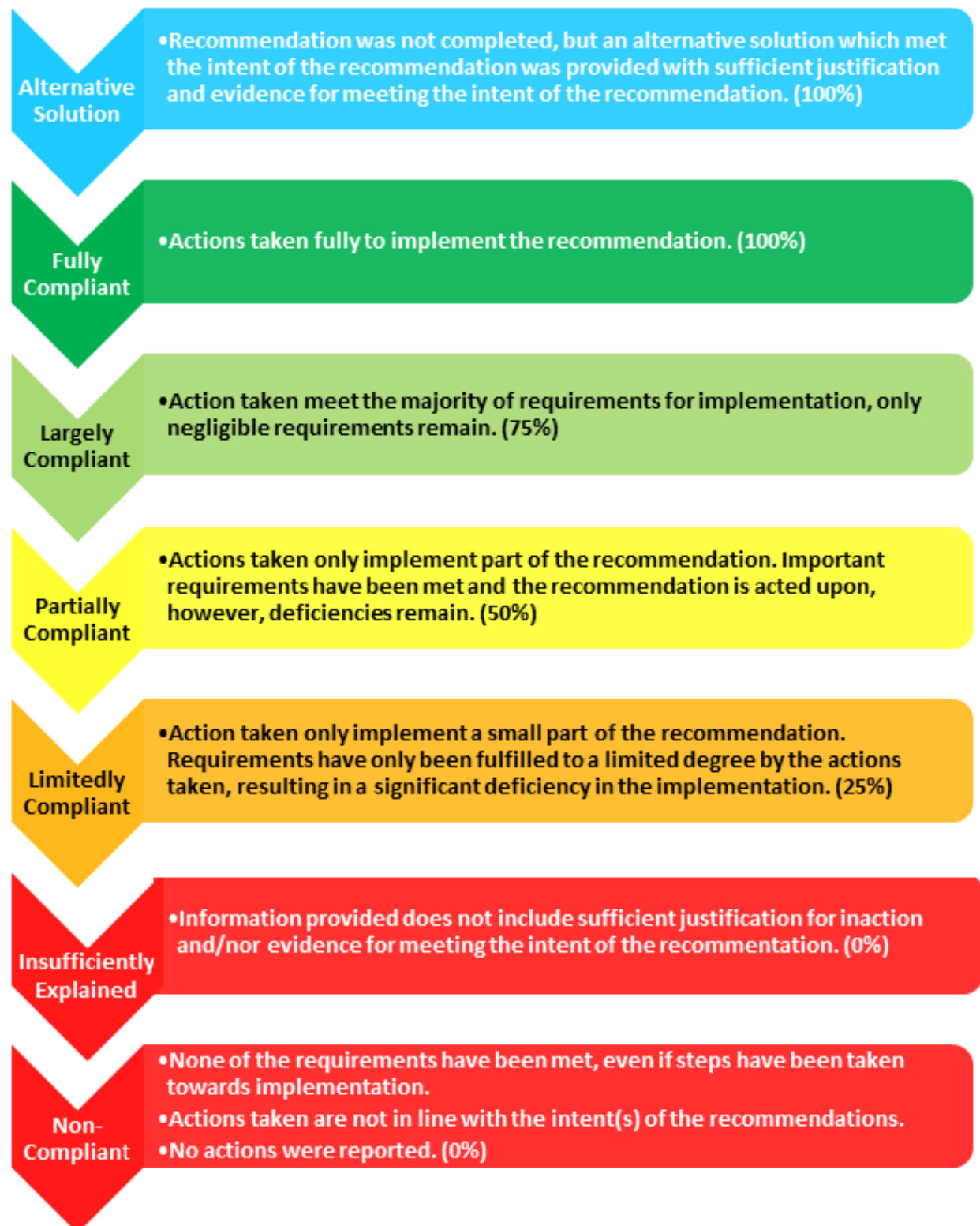
Recommendations with compliance determinations below 50% were shared with public bodies, providing an additional opportunity for government departments to submit information for consideration. Supporting documentation related to all 67 recommendations was accepted up to and including November 18, 2022. In some cases, recommendations were re-assessed and updated based on the additional evidence submitted to our office. Preliminary findings were presented by our office to Deputy Ministers and senior representatives from the Departments of Families, Justice, Education and Early Childhood Learning, Health, and Mental Health and Community Wellness on November 10, 2022.

For detailed information on how recommendations are made, who responds to them, how they are monitored, the principles that guide our assessment, and our model for compliance monitoring, please refer to **MACY's Compliance Handbook**.

A complete list of recommendations and their compliance assessments can be found in Appendix A. The full compliance analysis and determination for each recommendation can also be accessed using the Recommendation Tracking Tool on MACY's website.

THE 7 COMPLIANCE LEVELS

Figure 1. Compliance Levels and Colour Codes





SECTION 2

Summary of Compliance

SUMMARY OF COMPLIANCE

The following section presents a summary of compliance determinations with recommendations by different categories. Categories assess implementation by special report, systemic issue, and government department.

Recommendations by Compliance Level

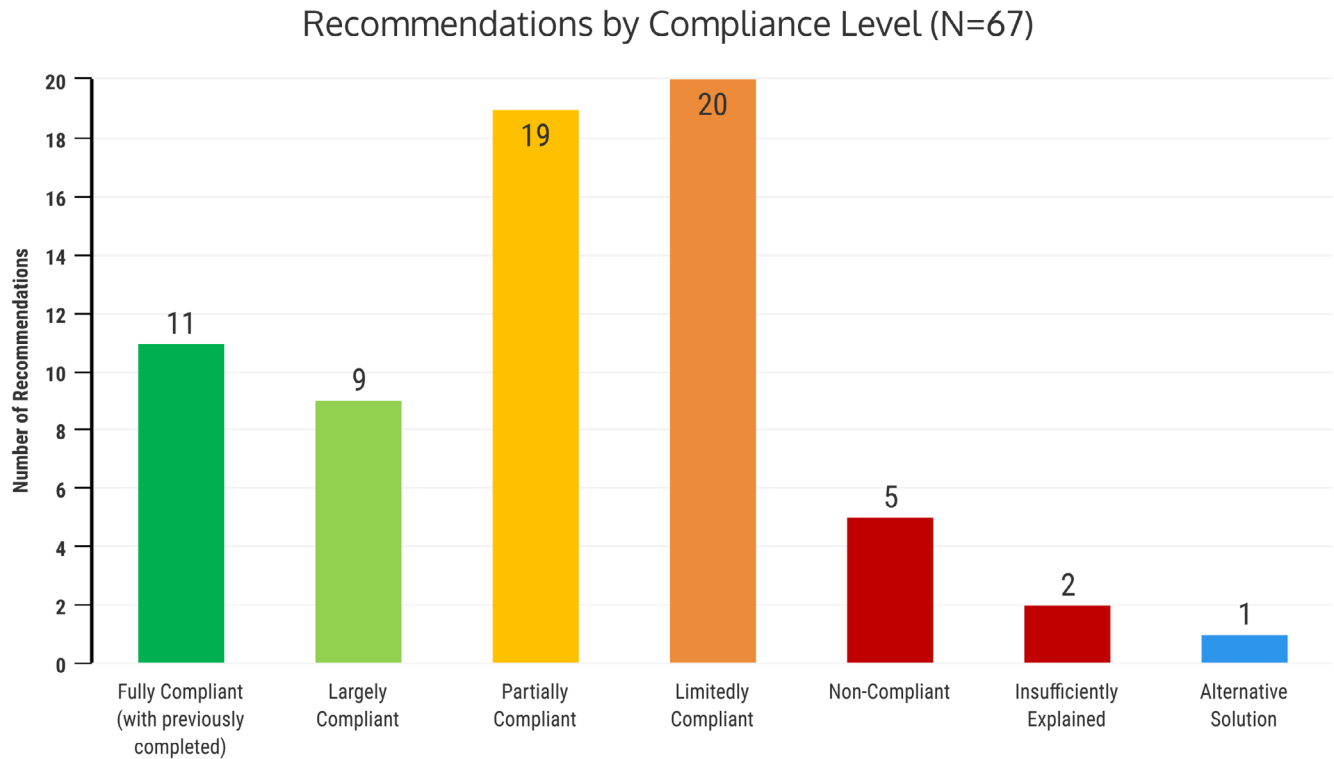
Overall compliance with recommendations has improved since last year. Sixty percent of recommendations now have positive or mid-level assessments, up by 17% from last year's total of 43%.

In addition, 59/67 (88%) of recommendations issued since 2018 have demonstrated actions towards implementation (up by 45% from last year).

Eleven recommendations are now assessed as fully compliant and one as an alternative solution. In other words, 18% (12/67) of all current recommendations are now complete.

In addition, nine recommendations are now assessed as largely compliant, which is promising for movement towards more fully compliant recommendations in the next fiscal year.

Figure 2. Recommendations by Compliance Level

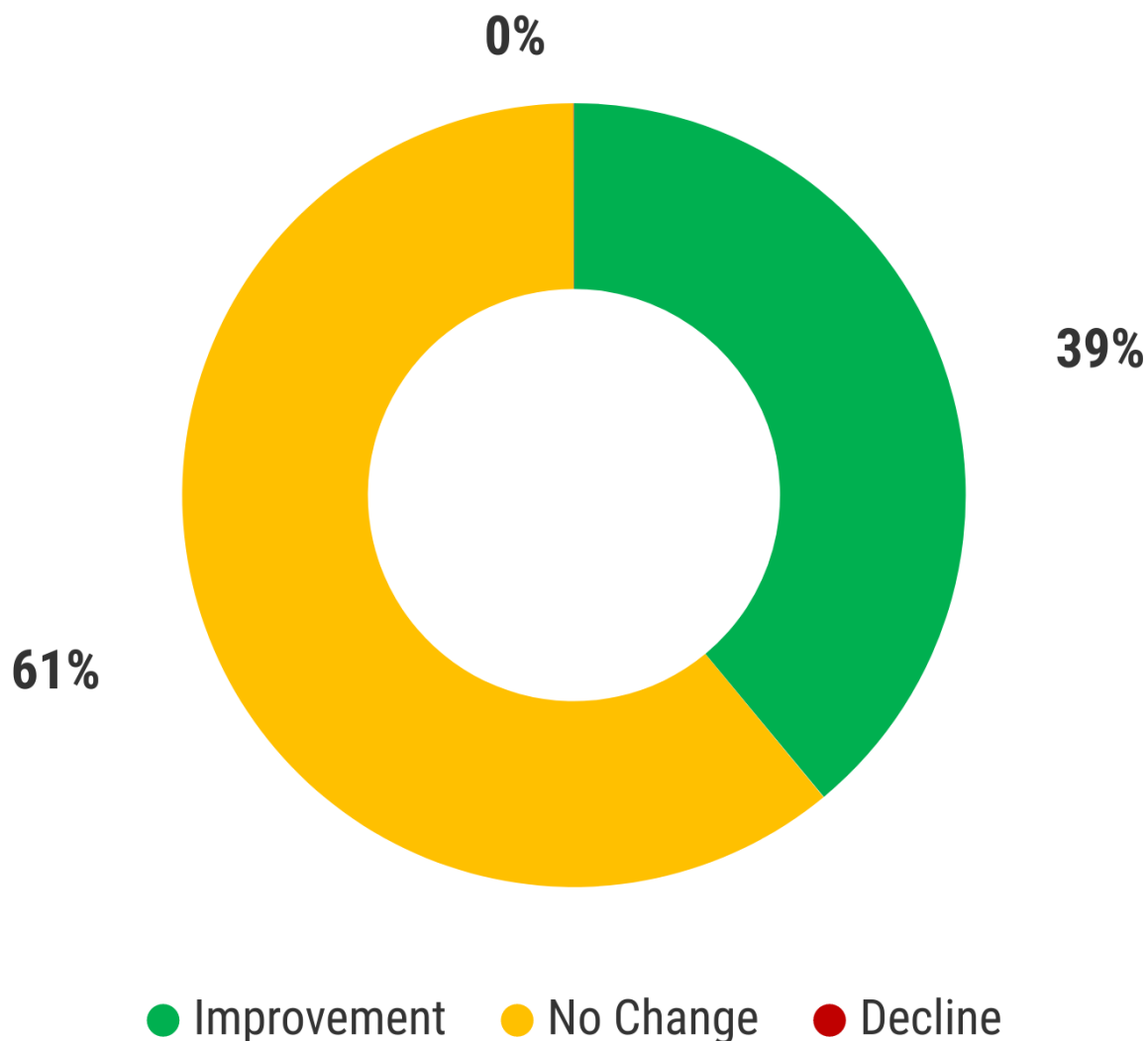


PROGRESS WITH RECOMMENDATION COMPLIANCE

Compliance progress was measured by comparing assessments from year to year, specifically progress between 2021 and 2022 responses. Responses were coded into three categories: improvement or positive change, no change, and negative change.

Of the 51 recommendations that were assessed in previous compliance reports and assessed again this year, 20 (39%) showed improvements in their compliance assessment since our last report. 31 (61%) showed no change since last report. None (0%) showed a negative change.

Figure 3. Progress with Recommendation Compliance



COMPLIANCE BY SPECIAL REPORT

There are differences in the degree of recommendation implementation and compliance between each special report.

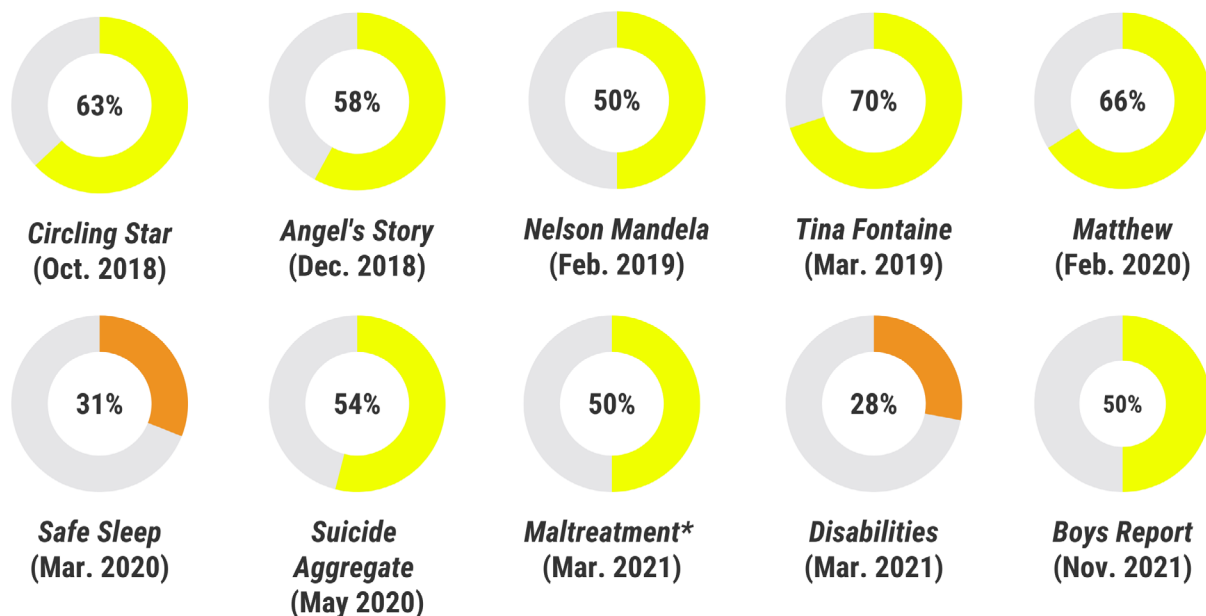
Compliance by report improved for all reports that have already been assessed in previous compliance cycles:

- *Circling Star* moved from 42% to 63%
- *Angel's Story* moved from 38% to 58%
- *Nelson Mandela* moved from 42% to 50%
- *Tina Fontaine* moved from 45% to 70%
- *Matthew* moved from 47% to 66%
- *Safe Sleep* moved from 12% to 31%
- *Suicide Aggregate* moved from 25% to 54%

Recommendations made in the *Matthew* and *Tina Fontaine* reports have the highest compliance rates by report at 66% for *Matthew* (up 19% from last year) and 70% for *Tina Fontaine* (up 25% from last year).

Recommendations made in the *Safe Sleep* and *Disabilities* special reports have the lowest compliance rates by report at 31% for *Safe Sleep* (up 19% from last year) and 28% for *Disabilities* (in its first compliance cycle).

Figure 4. Compliance by Special Report



*Maltreatment Recommendations 3 and 4 have been excluded in this year's report.

COMPLIANCE BY SYSTEMIC ISSUE

Each recommendation addresses a primary systemic issue affecting children, youth, young adults, and families in Manitoba. Based on departmental prioritization of action and available resources, some issues are addressed more promptly than others.

Overall compliance by systemic issue improved since last year:

1. Three systemic issues are now fully compliant: chronic absenteeism, suspensions, and expulsions
2. Victim services benefits
3. Use of pepper spray in youth custody facilities

Progress was made related to seven systemic issues:

1. Safe sleep (up by 18%)
2. Segregation and solitary confinement (up by 10%)
3. Mental health and addictions (up by 8%)
4. Child welfare standards (up by 12%)
5. Youth probation (up by 25%)
6. Sexual exploitation (up by 17%)
7. Chronic absenteeism, suspensions, and expulsions (up by 42%)

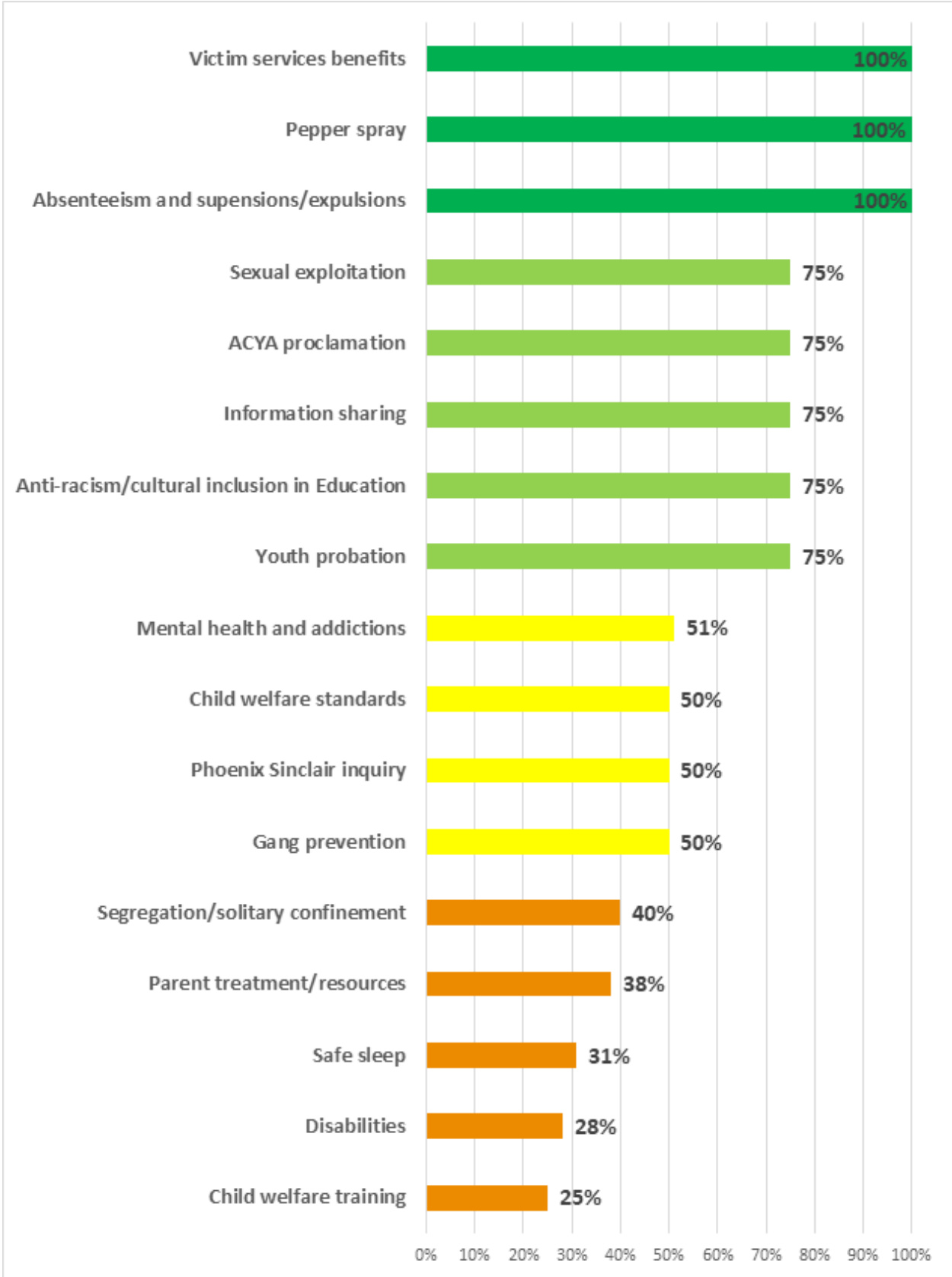
Progress was not made related to two systemic issues:

1. ACYA proclamation (remaining at 75%)
2. Information sharing (remaining at 75%)

This year was the first time we assessed recommendations related to six systemic issues:

1. Child welfare training (at 25%)
2. Disabilities (at 28%)
3. Parent treatment/resources (at 38%)
4. The *Phoenix Sinclair Inquiry* (at 50%)
5. Gang prevention (at 50%)
6. Anti-racism/cultural inclusion in education (at 75%)

Figure 5. Compliance by Systemic Issue



COMPLIANCE BY PRIMARY DEPARTMENT

See Appendix A for a detailed list of recommendations by department.

This year, overall compliance for three domains improved:

1. The highest compliance rate is for Manitoba Education and Early Childhood Learning at 93% (up 18% from last year)
2. Manitoba Justice is now at 53% (up 8% from last year)
3. Compliance with recommendations issued to the Government of Manitoba as a whole is now at 46% (up 8% from last year)

The newly created Department of Mental Health and Community Wellness was assessed for the first time this year with a compliance rate of 48%.

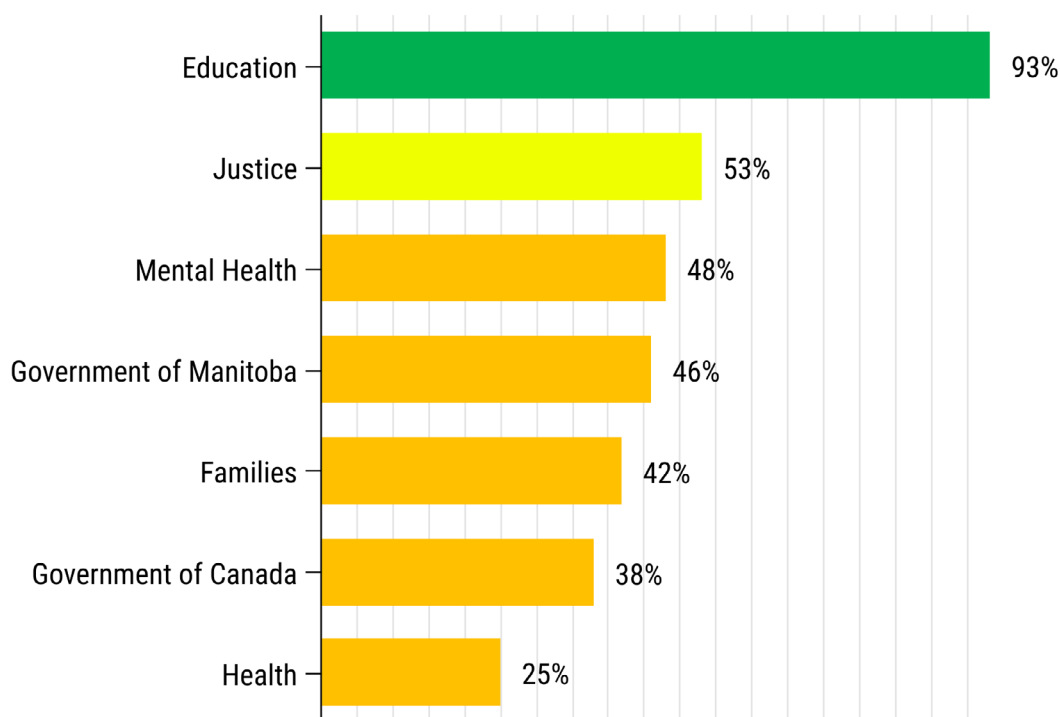
Overall compliance for one domain went down:

1. Families is now at 42% (down 1% from last year), largely related to lower compliance rates with *Safe Sleep* and *Disabilities* report recommendations

Compliance for two domains has stalled:

1. Manitoba Health has remained at 25% for the past three years
2. The Government of Canada has remained at 38% for the past two years

Figure 6. Compliance by Department



SECTION 3

Opportunities to Enhance Compliance

OPPORTUNITIES TO ENHANCE COMPLIANCE: KEY THEMES

The following section focuses on three key themes that emerged during this fiscal year's compliance with respect to the 67 recommendations issued from October 2018 to November 2021. These three themes are also areas of opportunity to further progress on implementing recommendations. If pursued, compliance assessments can be improved, as will services for children, youth, young adults, and families.

Theme 1: Prioritize action to address inequalities for Indigenous Child Welfare Authorities and implement outstanding *Phoenix Sinclair Inquiry* recommendations.

In March of 2021, the Manitoba Advocate released a special report titled *Still Waiting: Investigating child maltreatment after the Phoenix Sinclair Inquiry* ("Maltreatment"). In this special report, two recommendations were made to the four child welfare Authorities regarding the implementation of a reunification policy and the completion of case reviews for when reunification is planned.

In accordance with the recommendation compliance process utilized by MACY, the Authorities were asked to submit information regarding the implementation of these recommendations by May 31, 2022. The Metis Child, Family and Community Services Authority submitted the formal documentation to identify the work conducted towards implementing the report recommendations. The General Child and Family Services Authority provided MACY with a presentation on the updates made to its reunification policy, but has not provided a formal submission of the work done towards implementation. The First Nations of Northern Manitoba Child and Family Services Authority and the Southern First Nations Network of Care each met with our office to discuss their work and the obstacles they are experiencing. They

voiced concerns regarding their internal capacity and available resources that have not made it possible for them to provide a formal submission for these recommendations.

At the time of the publication of the *Maltreatment* special report in March 2021, the Government of Manitoba had a number of recommendations outstanding from the *Phoenix Sinclair Inquiry*, including the need to increase funding to meet the needs of Manitoba families. The Manitoba Advocate emphasized that the deaths of the 19 young children investigated as part of this special report were preventable and that "children are still dying of maltreatment similar to what Phoenix experienced."¹

Today, 19 of the 62 *Phoenix Sinclair Inquiry* recommendations still remain open. As a result of the unfinished work of the Government of Manitoba in response to the 2013 *Phoenix Sinclair Inquiry* recommendations, the Manitoba Advocate, in the 2021 *Maltreatment* special report, included as the first recommendation, that the Government of Manitoba complete its work on the inquiry recommendations and implement each of the important system changes called for by the Honourable Commissioner Ted Hughes in his final inquiry report. Importantly, by issuing this 2021 recommendation under *The Advocate for Children and Youth Act*, the inquiry recommendations have now been brought formally into scope for the Manitoba Advocate to track and monitor compliance by the Government of Manitoba in respect of the Commission's work.

¹ Malone, K.G. (2021, March 11). 'Children need us to get it right': Report says Manitoba child deaths preventable. CTV News. <https://winnipeg.ctvnews.ca/children-need-us-to-get-it-right-report-says-manitoba-child-deaths-preventable-1.5343073?cache=ptdmkadzxgkvo%3FclipId%3D68597>

Table 2. Maltreatment Recommendation 1 - Open Phoenix Sinclair Inquiry Recommendations

Recommendation #	Compliance Level
1 (Adherence to principles)	Largely Compliant (75%)
2 (Family enhancement services)	Largely Compliant (75%)
3 (ANCR-removal of FES)	Largely Compliant (75%)
4 (Continuity of service)	Partially Compliant (50%)
7 (Availability of early intervention services)	Largely Compliant (75%)
12 (20 cases per worker)	Insufficiently Explained (0%)
13 (Reduce administrative burden)	Partially Compliant (50%)
14 (Serving court documents)	Largely Compliant (75%)
19 (Authority supervision policy)	Limitedly Compliant (25%)
20 (Reviews of well-being of children)	Partially Compliant (50%)
25 (Funding to support differential response)	Limitedly Compliant (25%)
34 (Extending age to 25)	Insufficiently explained (0%)
36 (Full proclamation of the ACYA)	Largely Compliant (75%)
48 (Public awareness of representative)	Largely Compliant (75%)
52 (Supports for transition to urban centres)	Limitedly Compliant (25%)
54 (Amend Healthy Child Manitoba Act)	Non-Compliant (0%)
55 (Community org funding)	Largely Compliant (75%)
56 (Committee under Healthy Child)	Limitedly Compliant (25%)
58 (Agencies and community orgs)	Partially Compliant (50%)



The unfinished inquiry recommendations we assessed include:

- *Recommendation 12: That all ongoing services to families should be delivered on the basis of 20 cases per worker.*
- *Recommendation 25: That the Authorities be funded to a level that supports the differential response approach, including:*
 - a) *Funding to allow agencies to meet the caseload ratio of 20 cases per worker for all family services workers;*
 - b) *Increasing the \$1,300 fund for family enhancement services to a reasonable level, especially for families who are particularly vulnerable, many of whom are Aboriginal;*
 - c) *Determination of the amount of necessary funding after meaningful consultation between agencies and the Authorities, and between the Authorities and government, after agencies have reasonably assessed their needs.*

As a response to these recommendations, the Government of Manitoba has relied on the move

towards Single Envelope Funding which was completed in 2019.

As described by the Government of Manitoba, “Single Envelope Funding provides flexibility to Authorities and Agencies to make their own determination as to the areas of greatest need and impact, and to move funding into prevention streams to reduce costs of children in care. Agencies can then retain that funding and move it to other areas. This model of funding was a regular recommendation from third parties as a way to improve child welfare service delivery and to enable work in areas of prevention and support” (Manitoba Families, internal communication, June 30, 2022).

While Single Envelope Funding is intended to provide discretion and autonomy regarding the use of funds, questions remain about whether the amounts provided to each Authority are meeting the need to cover the high number of children in care, as well as preventative and family enhancement services.

Based on the most recently available annual report from Manitoba Families,² the following is a breakdown of percentage of provincially-funded Children in Care (CIC) within each authority:

- Southern 46%
- Northern 32%
- Metis 12%
- General 10%

With the higher numbers of children in care for the Southern and Northern Authorities, as well as unique challenges their agencies face (e.g., elevated travel and other costs when delivering services in rural and remote communities), these two Authorities have expressed concern regarding whether the Single Envelope Funding structure can appropriately cover the range of services they must deliver in support of families.

On the day the *Maltreatment* special report was released, the Honourable Minister of Families shared her concern and made a commitment that “Manitobans were rightfully devastated when we learned the details of Phoenix Sinclair. And the legacy of that little girl’s life is a legacy in Manitoba on how we can do better.”³ The Minister concluded her public remarks by committing to meeting with our office to provide a progress report within six months and further, that the Department of Families would be working with the Authorities to help them implement the recommendations that are specific to them.

Based on the responses provided to the recommendations contained in the *Phoenix Sinclair Inquiry*, which we are monitoring through Recommendation 1 of our *Maltreatment* special report, it is evident the provincial government believes the move towards Single Envelope Funding can address the service concerns raised through the inquiry. It appears, however, that this is not a universally held position within the CFS system. As such, and while we gather additional

information, Recommendations 3 and 4 from the *Maltreatment* special report have been excluded from this year’s recommendations compliance report.

A second concern in the provided responses is the lack of a visible and well-articulated cross government effort to address the recommendations. While many of the *Phoenix Sinclair Inquiry* recommendations were addressed internally to the child welfare system, a significant portion of the recommendations were dedicated to enhancing community supports to increase support for the overall well-being of children and families in Manitoba. This concern is most heavily seen in recommendations that reference the *The Healthy Child Manitoba Act*, which was rescinded in 2020, at which time the related Committee of Cabinet was also disbanded. Since the rescinding of *The Healthy Child Manitoba Act*, the Government of Manitoba has not put forward suitable alternatives to meet the intents of the recommendations that mentioned Healthy Child. Instead, the Government of Manitoba has responded to the recommendations as no longer relevant or achievable. This creates a perceivable gap in understanding how decisions regarding services for children and youth are coordinated across Manitoba.

Twenty-eight *Phoenix Sinclair Inquiry* recommendations remained open at the time this recommendation was issued by the Manitoba Advocate in 2021. Based on work this fiscal, 9/28 (32%) have been completed and closed. The Government of Manitoba is now at an overall compliance rate of 64% for the assessed inquiry recommendations, resulting in a Partially Compliant status determination for this recommendation (*Maltreatment* special report - Recommendation 1).

² Manitoba Families. (2022). *Annual report*. https://www.gov.mb.ca/fs/about/pubs/fsar_2021-2022.pdf

³ Malone, K.G. (2021, March 11). ‘Children need us to get it right’: Report says Manitoba child deaths preventable. CTV News. <https://winnipeg.ctvnews.ca/children-need-us-to-get-it-right-report-says-manitoba-child-deaths-preventable-1.5343073?cache=ptdmkadzxgsko%3FclipId%3D68597>

We encourage an all-of-government approach to enhance compliance with recommendations by diligently working to implement each of the outstanding recommendations from the *Phoenix Sinclair Inquiry* report prepared by Commissioner Ted Hughes, O.C., Q.C., LL.D. (Hon), as well as the recommendations from our 2021 *Maltreatment* special report. And further, it would be important for the government to consider whether the Department of Families is best positioned to be the lead in responding to all of the inquiry's recommendations, given that the scope, breadth, and focus of several of the recommendations were made not directly or solely to that one department.

Theme 2: Prioritize time and resources to increase compliance with recommendations to address infant mortality.

As was the case last year, this year's compliance review also highlighted the need for more collaboration and coordination across government to increase compliance with recommendations to address infant mortality.

Sleep-related infant deaths are a serious public health and children's rights issue. Sudden and unexpected deaths remain the second leading cause of death for infants between the ages of one and 12 months in Canada, with a higher rate amongst some populations.

In 2020, the Manitoba Advocate released *Safe and Sound: A special report on the unexpected sleep-related deaths of 145 Manitoba infants* ("Safe and Sound"). This special report examined the circumstances of 145 Manitoba infants who died between 2009 and 2018, and whose deaths occurred unexpectedly in their sleep before they were two years old. This special report – the most in-depth retrospective case review study of sleep-related infant

deaths ever produced in Manitoba – included 13 evidence-informed recommendations, grounded in the data, which provided the Government of Manitoba and other stakeholders with a roadmap to reduce the number of sleep-related infant deaths in Manitoba.

This roadmap is consistent with infants' inherent right to live, to thrive, and to have equal access to the highest attainable standards of health, as articulated in *The United Nations Convention on the Rights of the Child* (UNCRC - Article 6). It is deeply concerning, therefore, that such little movement has occurred in implementing these recommendations since 2020. As of this year, they are at an average compliance level of 31%.

This is especially troubling in light of the fact that the number of sleep-related infant deaths has increased in Manitoba in the years since the special report's release.

Indeed, a preliminary analysis of information received by MACY from the Office of the Chief Medical Examiner about infant (0-24 months) deaths for the three years between January 1, 2019 (where *Safe and Sound* left off) to the end of December 31, 2021, paints a stark picture.

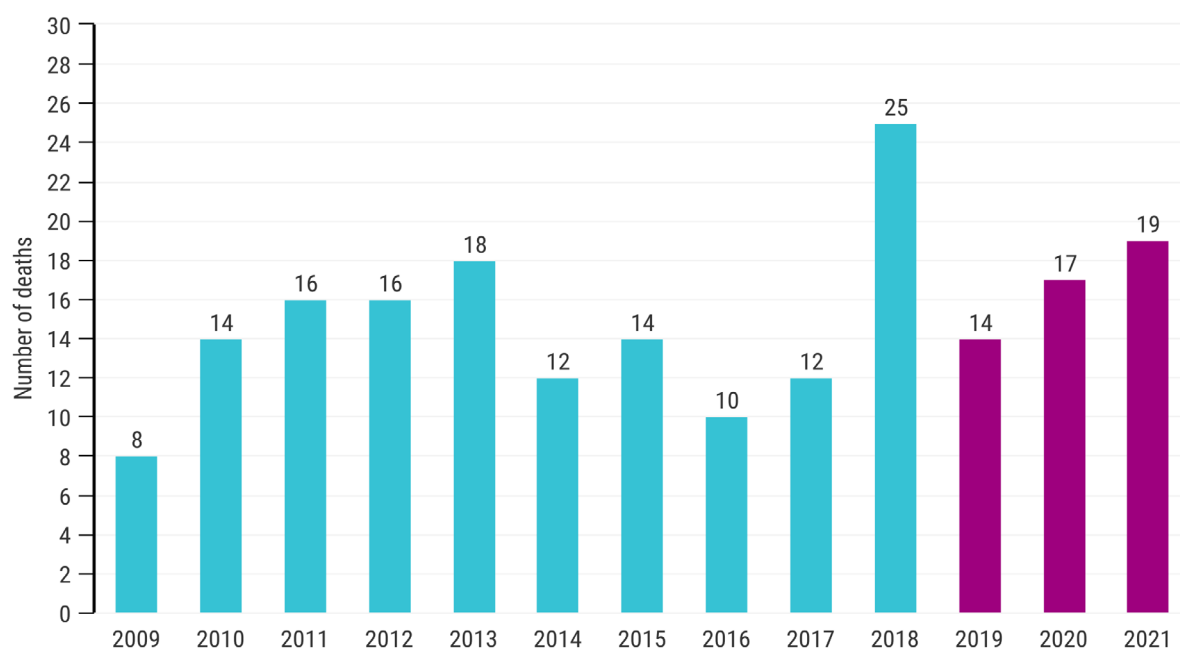
Based on the information available, it appears that at least 50 additional infants have died unexpectedly in their sleep before they were two years old, since our special report and its recommendations were issued in 2020. As noted in *Safe and Sound*, the 145 sleep-related infant deaths, which occurred between 2009 and 2018, translated to an average of 14.5 deaths every year. If early, updated data are accurate, the additional 50 sleep-related infant deaths between 2019 and 2021 translate to an average of 16.7 per year, **an increase of 2 infant deaths per year** in Manitoba (see figure on next page).

"Every child has the inherent right to life" (UNCRC - Article 6). It is the obligation of all levels of government to ensure the survival and development of all children. It is imperative that the 13 recommendations

issued in *Safe and Sound*, intended to improve services for Manitoba's infants and their families with the ultimate goal of reducing the number of preventable sleep-related infant deaths, be fully implemented. Our office has repeatedly highlighted this area of concern for the provincial government, and especially to the provincial Departments

of Health, Justice, Families, as well as the Governments of Manitoba and Canada. Certainly some of the outstanding recommendations (e.g., Recommendation 11 – reinstating the Collaborative Interdepartmental Working Group on Infant Mortality), could be implemented easily and ought to be done without further delay.

Figure 7. Number of Sleep-Related Infant Deaths



Theme 3: There is an urgent need for a child-specific mental health and addictions strategy.

The third theme is the ongoing urgent need for a child-specific mental health and addictions strategy.

Since 2018, 20 out of the 67 of recommendations issued by MACY (30%) have been to address urgent gaps for children and youth related to mental health and addictions. In addition,

the Government of Manitoba commissioned its own review of the mental health and addiction system, including services for children, youth, and adults. This report and its 125 recommendations was received by the provincial government in spring 2018, and the report is informally known as the Virgo Report.⁴ System gaps, barriers, and obstacles for children and youth to receive the mental health and addictions services they need – and to which they have inherent rights – **is the most pervasive systemic issue that we continue to see in our work with children.**

⁴ Virgo Planning and Evaluation Consultants, Inc. (2018). Improving access and coordination of mental health and addiction services: A provincial strategy for all Manitobans Final report. https://www.gov.mb.ca/mh/mh/docs/mha_strategic_plan.pdf

Table 3. Mental Health and Addictions Recommendations Issued by MACY

Report and Rec #	Recommendation Summary	Dept	Compliance Level
<i>Angel's Story 1</i>	Develop trauma prevention and response on adverse childhood experiences (ACEs), educate service providers and public, and create interventions	GOM	Largely Compliant
<i>Angel's Story 5</i>	Review and reform addiction treatment programs, create a safe and secure facility for sexually exploited youth (SEY)	MHCW	Partially Compliant
<i>Angel's Story 6</i>	Amend the Youth Drug Stabilization Act, allow for longer or successive warrants to ensure medically supported withdrawal management services	HEALTH	Limitedly Compliant
<i>Circling Star 3</i>	Establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that prevent access and coordination of services	MHCW	Partially Compliant
<i>Circling Star 4</i>	Develop a youth addictions action strategy	MHCW	Limitedly Compliant
<i>Matthew 1</i>	Highlight and promote provincial learning objectives focusing on mental health literacy and well-being coping skills	EDU	Previously Completed
<i>Matthew 3</i>	Continue promoting the Safe and Caring Schools: A Whole School Approach to Planning for Safety and Belonging in School Division, all schools in Manitoba should be implementing the optional tools	EDU	Previously Completed
<i>Matthew 4</i>	Evaluate existing mental health access points and implement a child and youth-centred specialized access point that meets the needs of children and youth	MHCW	Largely Compliant
<i>Matthew 5</i>	Create mental health system Navigators to help children and youth	MHCW	Insufficiently Explained
<i>Matthew 6</i>	Create a long-term residential mental health treatment for youth	GOM	Limitedly Compliant
<i>Matthew 7</i>	Publicly release a framework for child and youth mental health and addictions health system transformation	MHCW	Partially Compliant
<i>Suicide Aggregate 1</i>	Conduct a gap analysis of the youth mental health and addictions system	MHCW	Limitedly Compliant
<i>Suicide Aggregate 2</i>	Demonstrate equitable access to mental health and addiction systems	MHCW	Limitedly Compliant
<i>Suicide Aggregate 3</i>	Train government workers on trauma and its effects	GOM	Alternative Solution
<i>Suicide Aggregate 4</i>	Create and maintain an inventory of mental health resources for the public	GOM	Largely Compliant
<i>Suicide Aggregate 5</i>	Create youth hubs across Manitoba	MHCW	Fully Compliant
<i>Suicide Aggregate 6</i>	Create mental health focal points outside of Winnipeg	MHCW	Largely Compliant
<i>Suicide Aggregate 7</i>	Create long-term treatment for youth with the highest needs	GOM	Limitedly Compliant
<i>Tina Fontaine 2</i>	Release a plan to implement the child and youth specific recommendations in the Virgo Report	MHCW	Partially Compliant
<i>Tina Fontaine 4</i>	Analyze Alberta's legislation and evaluate how safe and secure facilities can be introduced in Manitoba.	GOM	Limitedly Compliant

The inclusion of mental health and addictions-related recommendations in special reports such as *Circling Star*, *Angel's Story*, *Tina Fontaine*, *Matthew*, and *Suicide Aggregate* indicate that the concerns are extensive, co-occur with a number of other service-related needs, and require coordination across systems and across the province.

In the 2021–22 fiscal year, 59% of the young people who interacted with MACY through advocacy services presented with a need for mental health and/or addictions services. This most frequently co-occurs with young people involved in the child and family services system who are experiencing deficiencies in case planning, or lack of access to a placement that will meet their needs due to mental health/addictions concerns being untreated or unresolved.

While some progress has been made, including the creation of youth hubs or “huddles” and the release of the *Mental Health and Community Wellness Roadmap*, there remains a significant gap: no child-specific mental health and addictions strategy exists.

Many of our mental-health based recommendations are centred on the need for a strategy and action plan to address the mental health and addictions needs of Manitoba's children and youth.

While the roadmap provides a pathway of high-level and broad areas of focus for the five pillars it describes, what remains outstanding is a detailed and measurable strategy and work plan for fixing the deficiencies in the child and youth mental health and addictions system that have been obvious and well known for many years.

In addition, the roadmap, as it is written, is not conducive to measurability and will be difficult to accurately assess progress because it is largely absent of specific targets and detailed deliverables.

In the meantime, young people and their families continue to wait and, in too many cases, languish inside a system that is known to be deficient by Manitobans and has been acknowledged as such by the provincial government.

In 2021, our office conducted a province-wide Youth Listening Tour that culminated in the release of *The Right to Be Heard*, a special report featuring the thoughts and opinions of hundreds of Manitoba youth. The purpose of the Youth Listening Tour was to raise awareness of children's rights while also gathering information about the challenges, priorities, and solutions youth identify in their communities and beyond. Youth raised a variety of diverse, but often related issues they face. Overwhelmingly, the top issue youth spoke about was the need for more investments in accessible mental health and addictions programs. For example, 79% identified mental health and addictions-related services and programs as the top solution to the challenges they and their peers face.

While the Manitoba Advocate is encouraged by some recent investments in mental health and addictions services, in particular the recent funding for youth hub “huddles” and the creation of the Mental Health and Community Wellness department in 2021, we remain concerned by the lack of an implementation plan to address known gaps in current services serving children and youth who need them right now. A significant change in services has not occurred that would have bridged the gaps identified in the lives of young people such as Angel, Matthew, or the 22 girls who were included in the *Suicide Aggregate*.

In addition, our understanding is that a mental health and addictions model was scheduled to be released by the needs-based planning team in October 2022, but this will only cover Manitobans aged 15 and above, leaving children below 15 at a disadvantage, once again.

Children have unique needs and childhood is the time for early assessment and rapid intervention to prevent chronic or lifelong struggles. We cannot continue to keep making young people wait for the critical mental health and addictions care they need and to which they are entitled. Children ought to be at the back of the line when cuts are being made and at the front of the line when funding is being

Children ought to be at the back of the line when cuts are being made and at the front of the line when funding is being made available.

made available. As such, and once again, our office is urging the provincial government to prioritize the development of a child-specific mental health and addictions strategy that details targets and deliverables in a way that is clear and measurable in order to increase accountability as well as moving open mental health and addictions recommendations closer to full compliance.





CONCLUSION

Next Steps Toward Compliance

CONCLUSION

This special report summarizes MACY's assessments of progress by public bodies to implement 67 recommendations from 10 special reports.

These recommendations issued by the Manitoba Advocate for Children and Youth aim to improve "the effectiveness and responsiveness of designated [public] services in accordance with section 31(1) of *The Advocate for Children and Youth Act* (ACYA). As such, MACY's assessments of the progress made by government departments and other public bodies are essential. Based on submitted evidence and careful analysis, this recommendations compliance process ensures accountability, transparency, and efficiency for public services delivered to Manitoba children and youth.

While MACY is encouraged by the fact that 88% of the recommendations issued since 2018 have

demonstrated actions towards implementation (up by 45% from last year), rights delayed are rights denied. There are important areas that need improvement and work that remains to be done to address service gaps to meet the needs and rights of children and youth in our province.

To improve progress, MACY recommends immediate action be taken to address capacity inequalities for Indigenous child welfare authorities and outstanding *Phoenix Sinclair Inquiry* recommendations, to implement recommendations on infant sleep safety, and to create a child-specific mental health and addictions strategy.

We urge the Government of Manitoba to prioritize these issues and commit to ongoing collaboration towards best outcomes for children, youth, young adults, and their families.

LEARN MORE

For information on how recommendations are made, who responds to recommendations, how recommendations are monitored, the principles that guide our assessment, and our model for compliance monitoring, please refer to our **Compliance Handbook**.

A complete list of recommendations and their compliance assessments can be found in **Appendix A**.

The full compliance analysis and determination for each recommendation can be accessed using the **Recommendation Tracking Tool** on MACY's website or in our Supplemental Content.

Want to read our 2020 or 2021 compliance reports? They are available on our website.



APPENDIX A

List of Recommendations and Compliance Assessments by Department

EDUCATION AND EARLY CHILDHOOD LEARNING: List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Boys Report	3	Develop anti-racist education initiatives in schools for students and staff	Anti-Racism/Cultural Inclusion in Education	Partially Compliant	N/A	N/A	50%	N/A (first assessment)
Boys Report	2	Continue work on an Indigenous Inclusion Strategy in schools, in collaboration with school divisions	Anti-Racism/Cultural Inclusion in Education	Fully Compliant	N/A	N/A	100%	N/A (first assessment)
Circling Star	2	Conduct a review and develop a province wide strategy to limit exclusionary practices	Suspensions and Expulsions	Fully Compliant	25%	50%	100%	50% Improvement
Matthew	1	Highlight and promote provincial learning objectives focusing on mental health literacy and well-being coping skills	Mental Health and Addictions	Previously Completed	N/A	100%	100%	N/A (previously completed)
Matthew	2	Develop a province-wide strategy to limit, reduce and phase out exclusionary practices	Suspensions and Expulsions	Fully Compliant	N/A	50%	100%	50% Improvement
Matthew	3	Continue promoting the Safe and Caring Schools: A Whole School Approach to Planning for Safety and Belonging in School Divisions, all schools in Manitoba should be implementing the optional tools	Mental Health and Addictions	Previously Completed	N/A	100%	100%	N/A (previously completed)
Tina Fontaine	1	Review measurement of absenteeism, suspensions, expulsions and create a province-wide strategy to address issues	Chronic Absenteeism, Suspensions, and Expulsions	Fully Compliant	50%	75%	100%	25% Improvement

FAMILIES:

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Boys Report	1	Implement evidence-based, culturally-safe interventions for caregivers with substance use disorders	Parent Treatment/ Resources	Insufficiently Explained	N/A	N/A	0%	N/A (first assessment)
Disabilities	4	Establish system navigation supports for families	Children's disability services	Non-Compliant	N/A	N/A	0%	N/A (first assessment)
Disabilities	6	More accurate information about First Nation, Metis, and Inuit ancestry	Children's disability services	Non-Compliant	N/A	N/A	0%	N/A (first assessment)
Disabilities	2	Develop a protocol that coordinates services between child welfare and children's disability services	Children's disability services	Limitedly Compliant	N/A	N/A	25%	N/A (first assessment)
Disabilities	5	Review and analysis of CdS case management workload and caseloads	Children's Disability Services	Limitedly Compliant	N/A	N/A	25%	N/A (first assessment)
Maltreatment	5	Train social workers on child maltreatment and reunification best practices	Child Welfare Training	Limitedly Compliant	N/A	N/A	25%	N/A (first assessment)
Safe Sleep	13	Develop a provincial standard requiring CFS providers to assess infant sleep environment in face to face contact.	Safe Sleep	Limitedly Compliant	N/A	25%	25%	No Change
Angel's Story	2	Expansion of SEY services and evaluation of Tracia's Trust	Sexual Exploitation	Partially Compliant	50%	50%	50%	No Change

FAMILIES (cont'd):

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Angel's Story	4	Conduct review, update existing CFS minimum standards and establish province-wide quality assurance measures and framework	Training CFS Minimum Standards	Partially Compliant	25%	25%	50%	25% Improvement
Circling Star	6	Clarify training content and expectations of CFS minimum standards, prioritize development of training on minimum standards, train existing and new workers	Training CFS Minimum Standards	Partially Compliant	25%	50%	50%	No Change
Disabilities	7	Develop processes to gather regular feedback	Children's disability services	Partially Compliant	N/A	N/A	50%	N/A (first assessment)
Disabilities	8	Make all CdS policies and procedures public	Children's disability services	Partially Compliant	N/A	N/A	50%	N/A (first assessment)
Disabilities	9	Develop and resource a full continuum of flexible respite support	Children's disability services	Partially Compliant	N/A	N/A	50%	N/A (previously completed)
Tina Fontaine	5	Protocol to ensure that response plans are created for missing youth receiving child welfare services and SEY in particular	Sexual Exploitation	Largely Compliant	25%	75%	75%	No Change

FAMILIES (cont'd):

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Angel's Story	3	Denounce sexual exploitation of children and youth and raise awareness through a public education campaign	Sexual Exploitation	Fully Compliant	50%	50%	100%	50% Improvement
Safe Sleep	12	Part of changes to Provincial child welfare standards, end birth alerts, include assessment of infant sleep environment in safety planning, provide safe sleep surfaces	Safe Sleep	Fully Compliant	N/A	25%	100%	75% Improvement

GOVERNMENT OF CANADA:

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Safe Sleep	2	Develop and implement a plan to ensure that no infant living in Manitoba First Nations communities is without a safe sleeping surface	Safe Sleep	Limitedly Compliant	N/A	25%	25%	No Change
Safe Sleep	8	Resource an implementation strategy to expand prenatal and postnatal maternal child health programs in all of Manitoba's First Nations communities	Safe Sleep	Partially Compliant	N/A	50%	50%	No Change

GOVERNMENT OF MANITOBA: List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Safe Sleep	1	Develop an action plan to ensure every infant in Manitoba has a safe sleep surface (crib, bassinet or culturally appropriate safe alternative)	Safe Sleep	Non-Compliant	N/A	0%	0%	No Change
Disabilities	1	Enact new legislation to govern services for children with disabilities	Children's disability services	Limitedly Compliant	N/A	N/A	25%	N/A (first assessment)
Matthew	6	Create a long-term residential mental health treatment for youth	Mental Health and Addictions	Limitedly Compliant	N/A	25%	25%	No Change
Safe Sleep	5	Any public education materials must be written in accessible language and available in the prominent Indigenous languages	Safe Sleep	Limitedly Compliant	N/A	0%	25%	25% Improvement
Suicide Aggregate	7	Create long-term treatment for youth with the highest needs	Mental Health and Addictions	Limitedly Compliant	N/A	25%	25%	No Change
Tina Fontaine	4	Analyze Alberta's legislation and evaluate how safe and secure facilities can be introduced in Manitoba	Mental Health and Addictions	Limitedly Compliant	25%	25%	25%	No Change
Boys Report	4	Fund a comprehensive provincial youth gang prevention strategy	Gang Prevention	Partially Compliant	N/A	N/A	50%	N/A (first assessment)
Maltreatment	1	Implement all Phoenix Sinclair Inquiry recommendations	Phoenix Sinclair Inquiry	Partially Compliant	N/A	N/A	50%	N/A (first assessment)
Angel's Story	1	Develop trauma prevention and response on adverse childhood experiences (ACEs), educate service providers and public, and create interventions	Mental Health and Addictions	Largely Compliant	50%	50%	75%	25% Improvement

GOVERNMENT OF MANITOBA (cont'd):
List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Circling Star	1	Develop and implement a provincial strategy to train service providers on information sharing, and develop, deliver and evaluate strategy in consultation with other GOM departments	Coordination	Largely Compliant	75%	75%	75%	No Change
Maltreatment	2	Fund parenting programs and resources in Manitoba communities	Parent Treatment/ Resources	Largely Compliant	N/A	N/A	75%	N/A (first assessment)
Matthew	8	Proclaim the outstanding sections of <i>The Advocate for Children and Youth Act</i>	ACYA	Largely Compliant	N/A	75%	75%	No Change
Suicide Aggregate	4	Create and maintain an inventory of mental health resources for the public	Mental Health and Addictions	Largely Compliant	N/A	75%	75%	No Change
Suicide Aggregate	3	Train government workers on trauma and its effects	Mental Health and Addictions	Alternative Solution	N/A	25%	100%	75% Improvement

HEALTH:

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Safe Sleep	6	Develop an accredited online training module on safe sleep practices	Safe Sleep	Non-Compliant	N/A	0%	0%	No Change
Safe Sleep	11	Reinstated the Collaborative Inter-Departmental Working Group on Infant Mortality	Safe Sleep	Non-Compliant	N/A	0%	0%	No Change
Angel's Story	6	Amend the Youth Drug Stabilization Act, allow for longer or successive warrants to ensure medically supported withdrawal management services	Mental Health and Addictions	Limitedly Compliant	0%	25%	25%	No Change
Disabilities	3	Reduce wait times for diagnostic assessments with a strategy to recruit and hire	Children's disability services	Limitedly Compliant	N/A	N/A	25%	N/A (first assessment)
Safe Sleep	7	Develop a smoking cessation resource for expectant mothers	Safe Sleep	Limitedly Compliant	N/A	0%	25%	25% Improvement
Safe Sleep	3	Develop, implement and evaluate a new public education campaign to raise awareness of the risk factors of sleep related infant deaths	Safe Sleep	Partially Compliant	N/A	0%	50%	50% Improvement
Safe Sleep	4	The new public education campaign must be informed by data and evidence on effective risk communication and behaviour modification	Safe Sleep	Partially Compliant	N/A	0%	50%	50% Improvement

MENTAL HEALTH AND COMMUNITY WELLNESS:

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Matthew	5	Create mental health system Navigators to help children and youth	Mental Health and Addictions	Insufficiently Explained	N/A	0%	0%	No Change
Circling Star	4	Develop a youth addictions action strategy	Mental Health and Addictions	Limitedly Compliant	25%	25%	25%	No Change
Suicide Aggregate	1	Conduct a gap analysis of the youth mental health and addictions system	Mental Health and Addictions	Limitedly Compliant	N/A	25%	25%	No Change
Suicide Aggregate	2	Demonstrate equitable access to mental health and addictions systems	Mental Health and Addictions	Limitedly Compliant	N/A	25%	25%	No Change
Angel's Story	5	Review and reform addiction treatment programs, create a safe and secure facility for sexually exploited youth (SEY)	Mental Health and Addictions	Partially Compliant	50%	50%	50%	No Change
Circling Star	3	Establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that prevent access and coordination of services	Mental Health and Addictions	Partially Compliant	25%	25%	50%	25% Improvement
Matthew	7	Publicly release a framework for child and youth mental health and addictions health system transformation	Mental Health and Addictions	Partially Compliant	N/A	25%	50%	25% Improvement
Tina Fontaine	2	Release a plan to implement the child and youth specific recommendations in the Virgo report	Mental Health and Addictions	Partially Compliant	25%	25%	50%	25% Improvement

MENTAL HEALTH AND COMMUNITY WELLNESS (cont;d): List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Matthew	4	Evaluate existing mental health access points and implement a child and youth-centred specialized access point that meets the needs of children and youth	Mental Health and Addictions	Largely Compliant	N/A	75%	75%	No Change
Suicide Aggregate	6	Create mental health focal points outside of Winnipeg	Mental Health and Addictions	Largely Compliant	N/A	50%	75%	25% Improvement
Suicide Aggregate	5	Create youth hubs across Manitoba	Mental Health and Addictions	Fully Compliant	N/A	75%	100%	25% Improvement

JUSTICE: List of Recommendations and Compliance Assessments

Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Mandela	1	Prohibit the use of segregation over 24 hours	Solitary Confinement	Limitedly Compliant	25%	25%	25%	No Change
Mandela	5	Enhance therapeutic behaviour management alternatives in youth custody facilities	Solitary Confinement	Limitedly Compliant	25%	25%	25%	No Change
Safe Sleep	9	Develop and implement a new data collection form to investigate the scene of an infant death	Safe Sleep	Limitedly Compliant	N/A	25%	25%	No Change

JUSTICE: (cont'd)

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Safe Sleep	10	Resource the Office of the Chief Medical Examiner to develop an electronic database to collect information on suspected sleep-related infant death	Safe Sleep	Limitedly Compliant	N/A	25%	25%	No Change
Mandela	2	Restrict the use of segregation under 24 hours for vulnerable populations	Solitary Confinement	Partially Compliant	25%	25%	50%	25% Improvement
Mandela	3	Collect, track, analyze and publish reports of segregation incidents	Solitary Confinement	Partially Compliant	50%	50%	50%	No Change
Mandela	6	Create specialized facility for youth in custody with cognitive vulnerability and mental illness, run by health professionals	Solitary Confinement	Partially Compliant	25%	25%	50%	25% Improvement
Circling Star	5	Improved communication across Manitoba Justice and improve probation orders	Probation	Largely Compliant	50%	50%	75%	25% Improvement
Mandela	4	Prohibit the use of pepper spray except in situations of immediate risk to life, enhance oversight	Pepper Spray	Previously Completed	100%	100%	100%	N/A (previously completed)
Tina Fontaine	3	Evaluate Victim Support Services for children and develop quality control measure that ensure child-centered access to benefits	Victim Services	Previously Completed	100%	100%	100%	N/A (previously completed)

JUSTICE: (cont'd)

List of Recommendations and Compliance Assessments

Special Report	#	Summary	Primary Issue	Current Compliance Assessment	Compliance Level			Improvement since 2021 report
					2020	2021	2022	
Mandela	4	Prohibit the use of pepper spray except in situations of immediate risk to life, enhance oversight	Pepper Spray	Previously Completed	100%	100%	100%	N/A (previously completed)
Tina Fontaine	3	Evaluate Victim Support Services for children and develop quality control measure that ensure child-centered access to benefits.	Victim Services	Previously Completed	100%	100%	100%	N/A (previously completed)



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