

# COMPLIANCE DETERMINATION

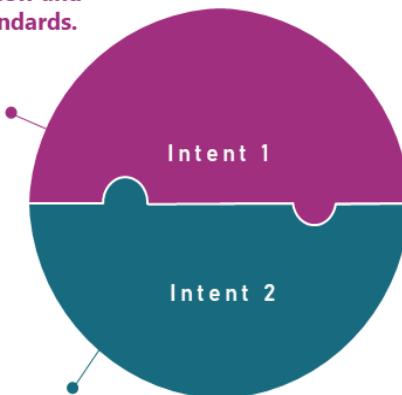
## Angel's Story – Recommendation 4

**Recommendation Summary:** Conduct review, update existing CFS minimum standards, and establish province-wide quality assurance measures and framework.

**Primary Public Body:** Manitoba Families

### 1. Conduct an evidence-informed review and update existing provincial service standards.

Families reported they are in phase 2 of standards modernization. This phase includes a review and update of the existing standards. Phase 2 will be completed with release of condensed standards in Fall 2022. Phase 3 will be the complete re-working of the standards, for which consultations are scheduled to begin in late 2022/early 2023.



### 2. Establish province-wide measures of service accountability through a provincial quality assurance framework.

Given the relationship between the Department and the Authorities is changing, Families responded with a proposed alternative solution to this intent guided by the importance of reconciliation and self-governance. The Department of Families does quality assurance work only in cooperation with the Authorities, in keeping with their commitment to self determination and governance, supported by child welfare transformation. Single Envelope Funding is an example of this shift in relationship. They reported that the development of Indigenous Governing Bodies under federal legislation removes their role in this area.

## COMPLIANCE DETERMINATION

0.50

Partially Compliant

## **Recommendation Compliance Summary**

In accordance with subsection 11(1) clause (d) of *The Advocate for Children and Youth Act* (ACYA), the Advocate retains the responsibility "to monitor the implementation of recommendations included in reports made under section 27 (investigation) or special reports made under section 31."

This form details the assessment of implementation of compliance made under the referenced subsection of the ACYA. MACY assesses implementation of compliance with recommendations once a year but receives updates from public bodies every six months.

<b>1. Recommendation Information</b>	
<b>Special Report Name:</b>	<b>In Need of Protection: Angel's Story</b>
<b>Date Released:</b>	12/13/2018
<b>Full Recommendation:</b> (including details)	<p><b>Recommendation Four:</b></p> <p>The Manitoba Advocate for Children and Youth recommends that the Minister of Families, through the Child and Family Services Division (CFSD), in collaboration with the four child and family services Authorities, (1) conduct an evidence-informed review and update of existing provincial service standards, and (2) establish province-wide measures of service accountability through a provincial quality assurance framework. Both the service standards and the quality assurance measures must be consistent throughout the province, culturally appropriate, and supported and enforced by the governing child and family services Authorities within their child and family services agencies. As per provincial legislation, quality assurance measures at the authority level must then be assessed and monitored by the Minister of Families.</p> <p><b>DETAILS:</b></p> <p>This province-wide quality assurance framework should include:</p> <ul style="list-style-type: none"><li>• An evidence-informed review and update of existing Child and Family Service standards.</li><li>• That the updated standards reflect a requirement that service models being used in the CFS system move away from an apprehension model and toward service models that require meaningful engagement of family, extended family, and community, which is in the best interests of children.</li></ul>
<b>Intent(s) of Recommendation:</b>	<p>The intents of the recommendation are to:</p> <ol style="list-style-type: none"><li>1. <b>Conduct an evidence-informed review and update existing provincial service standards.</b></li><li>2. <b>Establish province-wide measures of service accountability through a provincial quality assurance framework.</b><ul style="list-style-type: none"><li>• <b>The service standards and quality assurance measures must be consistent throughout the province, culturally appropriate and supported and enforced by the CFS Authorities.</b></li><li>• <b>Per provincial legislation, quality assurance measures at the authority level must be assessed and monitored by the Minister of Families.</b></li></ul></li></ol>
<b>Issue:</b>	Training CFS Minimum Standards

<b>Public Body</b>	Manitoba Families
<b>Dates of Previous Official Updates from Public Body:</b>	June 30, 2022
	May 31, 2021
	June 30, 2020
	December 31, 2019
	June 27, 2019
<b>2. Compliance Determination</b>	
<b>Partially Compliant 0.50</b>	The most important requirements have been met; certain deficiencies affect the adequacy of the implementation, but without resulting in a situation where the given recommendation has not been acted upon.
<b>Self-Assessment</b>	Partially Compliant
<b>Previous Compliance Determination</b>	Limitedly Compliant
<b>3. Rationale for Determination</b> <i>(How did you reach this compliance determination)</i>	
<p><b>Intent 1: Conduct an evidence-informed review and update existing provincial service standards.</b></p> <p><b>2022</b></p> <ul style="list-style-type: none"> <li>• Manitoba Families reports in this response that they are in Phase 2 of Standards modernization, which has included a review and update of the existing Standards.</li> <li>• The following details were provided on what the update of existing Standards included: <ul style="list-style-type: none"> <li>○ Standards Modernization meetings involving representation from CYSD and each of the four Authorities were held between May and June 2021 and between September 2021 and February 2022. During that time the following chapters were redlined: <ul style="list-style-type: none"> <li>Chapter 1: Case Management</li> <li>Chapter 2: Services to Families</li> <li>Chapter 3: Child Protection</li> <li>Chapter 4: Children in Care</li> <li>Chapter 5: Foster Homes</li> <li>Chapter 7: Service Administration</li> <li>Chapter 8: Agency Operations</li> </ul> </li> <li>○ In May and June 2021, there were five meetings with the Authorities group and one meeting with ANCR.</li> <li>○ From September 2021 to February 2022 there were 19 meetings with the Authorities group.</li> <li>○ March 2022 – Phase 2 – redlining was completed following active participation of all four Authorities and CYSD. During this phase, redundancies and outdated information were removed from the current Standards and some information was updated. Current Standards have been condensed.</li> </ul> </li> <li>• Phase 2 of modernization will be completed with the following activities: <ul style="list-style-type: none"> <li>○ May 2022: re-share completed condensed Standards for final Authority review.</li> <li>○ September 2022: condensed Standards to be posted online and will replace current Standards with a single-source document option. This will result in easier use and accessibility online. Posting of condensed Standards is an interim measure but an important step to set the stage for modernization of the Standards as a whole.</li> <li>○ September 2022: communication from CYSD to the Authorities announcing publicly posting of the condensed Standards and their effective date in the field.</li> </ul> </li> </ul>	

- Phase 3 of Standards modernization is upcoming.
- A complete reworking of the Standards is planned so they:
  - reflect an engagement rather than apprehension approach to working with families (will address PSI recommendations 1, 6, 9, 57);
  - are more user friendly; currently they are a mix of legislation, policy, procedure, information sharing, and standards;
  - define roles of the branch, CFS Authority, and agency;
  - reduce administrative burden; and
  - address coordination of federal and provincial child welfare legislation.
- Preparatory steps:
  - CYSD request for feedback on engagement/collaboration process to Authority representatives and Standing Committee has taken place. CYSD will attend Authority Relations tables in September 2022 to engage CFS agencies in the development of a modernization plan and identification of potential working groups.
- Engagement/collaboration sessions with Authorities/agencies projected to take place in the Fall of 2022.
- Determination of format and structure of modernized Standards with input from Authority representatives and approval by Standing Committee in Fall of 2022.
- Terms of Reference established in Fall 2022.
- Drafting of modernized Standards projected to begin January 2023.
- Potential challenges to progress:
  - Authorities are focused on federal legislation (C94).
  - Transition of Indigenous Governing Bodies (IGBs) to having their own legislation is also requiring the time and attention of CYSD staff.

## **2021**

- Manitoba Families reported that work on standards, priorities, and modernization remains underway. The Standing Committee approved the standards modernization project and CYSD is beginning the collaborative work. To this end, Authorities identified representatives and the first meeting occurred in May 2021. The Standards revision work is aiming to shift away from an apprehension model towards an engagement with family model. The new high-risk expectant parent standard is an example of this shift, as it replaces the practice of birth alerts through voluntary engagement, assessment, and planning with expectant parents who are assessed as being high-risk prior to the birth of the child. The high-risk expectant parent standard aims to reduce apprehensions at birth and when apprehension is not avoidable, to increase the likelihood that the child is placed with extended family and community. The Department of Families reported that the new overall approach (engagement with family model) was provided to all CFS Authorities and Agencies by the province under the CFS Transformation including the move to Single Envelope Funding.
- Additional information was provided, which indicates that the implementation of the federal legislation, *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, will have significant implications on Manitoba's existing child welfare legislation because Indigenous governing bodies will begin to exercise jurisdiction through their own laws. As Manitoba Families works to support the implementation of the federal act, a more staggered approach to legislative changes based on priority needs is being used.
- Promising early steps are being taken to update existing provincial service standards, including the development of a working group established to shift away from an apprehension model.

That said, however, neither a review nor an update of the provincial service standards have taken place.

## 2020

- Manitoba Families plans to conduct a review and update of *The Child and Family Services Act* (CFS) based on *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families* (the Act) and recommendations from The Child Welfare Legislative Review Committee. Manitoba Families stated that it is pursuing the process of legislative modernization, while remaining cognizant that updates to the Provincial Standards need to align with a legislative and regulatory framework for the child welfare transformation.
- Manitoba Families indicated that while large scale work is planned, updates to Standards has been ongoing. Most recently, changes to Standards 1.5.6 (Removing Foster Children), 1.3.4 (Provincial Child Abuse Investigations), 1.2.2 (Voluntary Family Services), and 1.3.1 (Child Protection) were made between April 2019 and June 2020.
- There are three Standards priority areas being reviewed in advance of the larger systemic review and redrafting of Standards. Priority areas include:
  - Child Sexual Exploitation in connection with 1.4.7 (Absent and Missing Children): a working group is to be established to identify updates to the Standard, with a focus on federal legislation, agency role, role of enhanced StreetReach in Winnipeg and expanded StreetReach North in Thompson.
  - 1.4.7 (Absent and Missing Children): The Department of Families will include case specific responses to support practice decisions and connect to case planning requirements for children in care.
  - 1.3.4 (Provincial Child Abuse Investigations): The Department of Families is outlining the process for foster home abuse investigations, to address areas of responsibility, safety assessments, and decision-making respecting change of placement.
- While some changes to above indicated standards have taken place, a larger and more comprehensive review is underway. The activities reported indicate early steps are being taken to address the recommendation including a systemic review and re-drafting of the standards, but none of the requirements have been met yet.

## **Intent 2: Establish province-wide measures of service accountability through a provincial quality assurance framework.**

## 2022

- Manitoba Families reports that its interpretation of this intent is an alternative solution, as the reality of the relationship between the department and CFS Authorities is changing and guided by the importance of reconciliation and self-governance.
  - As has been outlined in previous submissions, Manitoba Families advised that the role of the province in oversight of the Authorities is done in a collaborative way that is respectful of the Authorities' rights and responsibilities.
  - The department reported that it does quality assurance work only in cooperation with the Authorities, in keeping with commitment to self-determination and governance, supported by child welfare transformation. They further advised that Single Envelope Funding is an example of this shift in relationship. The development of Indigenous Governing Bodies under federal legislation removes this role completely from Manitoba. A significant number of communities have identified a plan to move under federal legislation, with a number of changes in progress.
  - In light of this shifting in relationships and the importance of reconciliation, the province reported working in a collaborative way with Authorities and looking at

shared decision making about areas for qualitative reviews. This will continue to take place through mutual discussions through Standing Committee and with individual Authorities, as is the current practice.

#### 2021

- Manitoba Families reported on the development of a Standards training plan, in collaboration with Authorities. The training plan is cited as an example of consistency in practice. For example, a working group, including the CYSD and representation from all four Authorities, was established to track and monitor the implementation of the new high-risk expectant parent standard. The working group has terms of reference and a quality assurance framework.
- Manitoba Families indicated that overall quality assurance work will be consistent with the legislated responsibilities of the Division, to monitor and assess Authority quality assurance activities. The approach is said to be issues- and priority-driven and additionally requires the cooperation of Authorities in sharing quality assurance results.
- Although Manitoba Families has demonstrated that a quality assurance process for the implementation of the new standard on high-risk expectant parents exists, there is no demonstrable exercise of this practice extending to an overarching quality assurance framework.

#### 2020

- Manitoba Families stated that two major developments have affected action and compliance with this recommendation, including the anticipated legislation change from The Child Welfare Legislative Review Committee Recommendations and the new federal legislation *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*. Manitoba Families stated that some changes under the new federal legislation are clear but others are uncertain regarding the interaction between federal and provincial jurisdiction and Indigenous governance structures.
- Manitoba Families has indicated that the review into the roles and responsibilities of Agencies', Authorities', and the Department of Families' quality assurance oversight is a first step into establishing a province-wide quality assurance framework, but there has been no commitment from the Department of Families to create a framework.
- The Minister, Director, and Authorities have an ongoing legal responsibility to ensure quality of child welfare services as articulated in the legislation that was proclaimed in 2003, *The Child and Family Services Authorities Act* (CFSAA). The CFSAA states that CFS Authorities have a duty to ensure that agencies follow the practices and procedures in accordance to culturally appropriate standards (S.19.(e)), and ensure that those standards are consistent with provincial standards (S.19.(d)). In turn, the Minister of Families is responsible for monitoring and assessing how Authorities carry out their responsibilities (S.24.(c)).

**Analysis Summary:** With the provision of a detailed work-plan on the modernization of Standards, as well as evidence of the completion of Phase 2 of the modernization project, Manitoba Families is demonstrating a commitment to the fulfillment of this recommendation. In proposing an alternative to Intent 2 of this recommendation, Manitoba Families is recognizing the importance of its changing relationship with the CFS Authorities. As significant evidence was shown towards planning for the modernization of Standards, this recommendation is considered partially compliant.