

# COMPLIANCE DETERMINATION

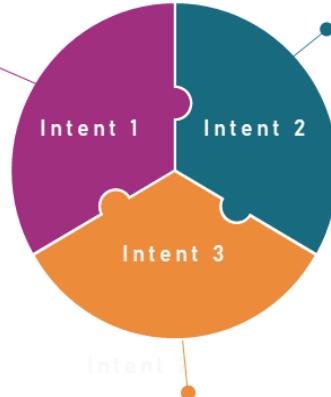
## Tina Fontaine – Recommendation 4

**Recommendation Summary:** Analyze Alberta's legislation and evaluate how safe and secure facilities can be introduced in Manitoba.

**Primary Public Body:** Government of Manitoba

- 1. Review Alberta's Protection of Sexually Exploited Children Act and Alberta's Drug Endangered Children Act to determine how safe and secure treatment facilities can be introduced in Manitoba**

In the current response, a review of the legislation is considered as complete by GOM (but evidence of such a review was not provided). As was the case in 2021, the province's stance remains that no legislative amendments will be made in Manitoba in line with Alberta's legislation.



- 2. That the DMHSP committee develop a plan ensuring a continuum of services for children and youth who are at imminent risk due to life-threatening addictions**

The current response continues to list developments and initiatives occurring in the province related to mental health and addictions services available to children and youth. Work is ongoing to reach a full continuum of services. It is not yet complete.

- 3. Plan must include safe, secure, home-like settings for detox and treatment programming**

Intent met in 2020.

### COMPLIANCE DETERMINATION

0.25

Limitedly 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.

1. Recommendation Information	
<b>Special Report Name:</b>	A Place Where It Feels Like Home: The Story of Tina Fontaine
<b>Date Released:</b>	3/12/2019
<b>Full Recommendation:</b> (including details)	<p><b>Recommendation Four:</b></p> <p>The Manitoba Advocate for Children and Youth recommends that the Manitoba government, through its Deputy Ministers of Health and Social Policy and Priorities (DMHSPP) committee, work with the government's Legislation and Strategic Policy Branch to analyze the province of Alberta's <i>Protection of Sexually Exploited Children Act</i> and Alberta's <i>Drug-Endangered Children Act</i> to determine how safe and secure treatment facilities can be introduced in Manitoba. It is further recommended that the DMHSPP committee develop a plan to ensure the continuum of services for children and youth includes safe, secure, home-like settings for treatment and programming when children and youth are at imminent risk of harm or death.</p> <p><b>DETAILS:</b></p> <ul style="list-style-type: none"><li>• The continuum of services plan developed by the DMHSPP committee must define imminent risk, ensuring the definition contemplates issues of homelessness, addiction, and sexual exploitation.</li><li>• The development of a plan for safe and secure treatment facilities must include consultation with subject matter experts, persons with lived experience, and community stakeholders to ensure the treatment settings are safe, secure, therapeutic, effective, and culturally informed.</li></ul>
<b>Intent(s) of Recommendation:</b>	The intents of the recommendation are to: <ol style="list-style-type: none"><li>1. <b>Review Alberta's <i>Protection of Sexually Exploited Children Act</i> and Alberta's <i>Drug Endangered Children Act</i> to determine how safe and secure treatment facilities can be introduced in Manitoba.</b></li><li>2. <b>That the DMHSPP committee develop a plan ensuring a continuum of services for children and youth who are at imminent risk due to life-threatening addictions.</b></li><li>3. <b>The plan must include safe, secure, home-like settings for detox and treatment programming.</b></li></ol>
<b>Issue:</b>	Mental Health and Addictions
<b>Primary Department:</b>	Government of Manitoba
<b>Dates of Previous Official Updates from Public Body:</b>	June 30, 2022 May 31, 2021 June 30, 2020

	December 31, 2019
	June 30, 2019
<b>2. Compliance Determination</b>	
<b>Limitedly Compliant 0.25</b>	Actions taken only implement a small part of the recommendation, requirements are only fulfilled to a limited degree by actions taken, resulting in significant deficiency in implementation.
<b>Self-Assessment</b>	Largely 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: Review Alberta's <i>Protection of Sexually Exploited Children Act</i> and Alberta's <i>Drug Endangered Children Act</i> to determine how safe and secure treatment facilities can be introduced in Manitoba</b></p> <p><b>2022</b></p> <ul style="list-style-type: none"> <li>In the current response, a review of the legislation is reported as complete by the Government of Manitoba, in terms of how looking at the legislation was considered, but the stance of the Government of Manitoba remains that no legislative amendments will be made in Manitoba to be similar to the Alberta legislation mentioned.</li> <li>Alberta's <i>Protection of Sexually Exploited Children Act</i> allows for the apprehension of children under 18 who are in need protection due to exploitation, and further allows for a child to be taken to a protective safe house for five days.</li> <li>Information was provided linking this recommendation to that of Angel's Story Recommendation 6 for which details were provided by Manitoba Health on the stance that involuntary detention of individuals with severe substance use disorders may not be best practice. This same information was cited as informing the government's stance that Manitoba's <i>Youth Drug Stabilization (Support for Parents) Act</i> will not be amended to allow for longer or successive warrants.</li> </ul> <p><b>2021</b></p> <ul style="list-style-type: none"> <li>No evidence was provided that indicates that Alberta's legislation has been reviewed, which is consistent with MACY's 2020 compliance determination.</li> </ul> <p><b>2020</b></p> <ul style="list-style-type: none"> <li>There are discrepancies reported by the public body as to the review of Alberta's legislation. The Department of Families reported in June 2019 that a review was completed. In June 2020, however, the Department of Families indicated that "work continues" on the review of the Alberta legislation. Results and analysis of this review were not provided. It is not clear how the review is considering the use of safe and secure treatment facilities for youth in Manitoba.</li> </ul> <p><b>Intent 2: That the DMHSPP committee develop a plan ensuring a continuum of services for children and youth who are at imminent risk due to life-threatening addictions.</b></p> <p><b>2022</b></p> <ul style="list-style-type: none"> <li>The current response continues to list developments and initiatives occurring in the province as related to mental health and addictions services available to children and youth. The response specifically references: <ul style="list-style-type: none"> <li>The release of the Mental Health and Community Wellness Roadmap which provides overarching principles and direction in regards to service delivery for children and youth.</li> </ul> </li> </ul>	

- One aspect of a continuum of services is the expanded Youth Hubs (Huddle), which have six locations, include Indigenous-led work, and mental health and addictions supports.
  - There has been increased investment in a mindfulness-based cognitive behavioural therapy program to expand access and improve programming (aim to train 100 new facilitators, and have 1,000 new participants). The programming is being adapted for adolescents aged 14-17, when previously it was only available to those 18+.
- The response to this intent of the recommendation identifies that work is ongoing to reach a full continuum of services and is not yet complete.

## **2021**

- MACY-RAP reported on Ata Chiminis Mikisiw (Eagle Embracing You), Project Neecheewam Inc.'s voluntary new specialized treatment facility for high-risk youth. At the time of reporting, the facility was not open. Other activities reported include enhancements of StreetReach in Thompson, additional in-person MATC clinician supports in Thompson to connect youth with mental health and addictions to local resources, the development of Indigenous-led healing resources by Clan Mothers Healing Village, and work to review placement options.
- The new Department of Mental Health, Wellness and Recovery is currently preparing to undertake broad consultation to develop an integrated, whole-of-government action plan for mental health, substance use, wellness, and health promotion services in Manitoba. The consultation and development of an action plan indicate that early actions are being taken to develop a plan to ensure a continuum of services for children and youth who are at imminent risk due to life-threatening addictions.
- Although there are many activities reported, there remains no plan to ensure the continuum of services for children and youth who are at imminent risk due to life threatening addictions. Furthermore, Neecheewam's new Ata Chiminis Mikisiw program, StreetReach enhancements, and Clan Mothers' work are targeted solely to female youth. The work, therefore, does not extend to ensuring a continuum of services for all children who are at imminent risk due to like-threatening addictions.

## **2020**

- MACY-RAP reported that the Manitoba's Clinical and Preventive Services Plan (MCPSP) is a project within Manitoba's Health System Transformation and the Virgo Recommendations that has been incorporated within the broader health care system (December 31, 2019 update). Rationale was not provided on how the plan addresses the needs of children and youth that are at imminent risk due to life-threatening addictions.
- A review of Manitoba's Clinical and Preventive Services Plan by Shared Health from November 18, 2019 does not mention addiction treatment for youth. A PowerPoint available online on MCPSP does not address the specific service needs for children and youth with life-threatening addictions, nor the development of a continuum of services for this population.
- In the December 2019 synopsis, it was reported that Manitoba will adopt a Stepped Care Model in which mental health and addictions treatment and recover support services are aligned to five tiers of complexity. There is no evidence provided that the model is targeted to youth services as opposed to the larger public.
- According to the December 2019 report, the current focus is on making short-term changes and implementing initiatives that will have an immediate impact. There is, however, no clear continuum of services plan developed by the DMHSPP committee that defines imminent risk, and ensures the definition contemplates issues of homelessness, addiction, and sexual exploitation.

**Intent 3: The plan must include safe, secure, home-like settings for detox and treatment programming. The development of safe and secure treatment settings must include consultation with experts, persons with lived experience, and community stakeholders.**

**2021**

- Intent 3 was assessed as being met in 2020.

**2020**

- Information was not provided on how Manitoba's Clinical and Preventive Services Plan includes safe, secure, and home-like settings to address the detox and treatment programming needs of children and youth with life-threatening addictions.
- Manitoba Families announced in November 2019, that Neecheewam Inc. will receive \$3.8 million to create a facility to provide Indigenous-led healing for youth in Manitoba who are using substances and who are sexually exploited. According to the June 2020 report, the facility is expected to begin operations in summer of 2020. This facility will not be secure, it will be voluntary.
- In support of this alternative to the recommendation, the addressee stated: "The placement will not be locked, in keeping with feedback received from community and youths, and in keeping with the temporary use of a non-locked facility for Strong Hearts. The open nature of the placement is considered essential in developing the needed trust relationships to increase successful treatment, required flexibility of admission, and in reflection of the long history of colonization, residential schools and ongoing racism faced by most of the youths involved with StreetReach and their families. Youth will be able to self-refer to the locked Crisis Stabilization Unit located in the same building. Family, community supports and positive connections to support an individual's healing journey will have access to the youth in the facility." While the facility is not secure, it meets the intent of the recommendation, in particular the requirement stated in the details for consultation with experts, persons with lived experience, and community stakeholders who advised against a secure facility. The addressee has sufficiently justified deviation from the original letter of the recommendation while providing evidence of meeting the intent of the recommendation.

**Analysis Summary:** Continued work is needed towards the intents of this recommendation. In regards to Intent 1, the Manitoba government reported that it considers this intent met in an alternative format, as their initial consultations regarding the Alberta legislation led to their determination that no legislative amendments would be made in Manitoba to be similar to the provisions of the mentioned Alberta examples. More information is needed about this Intent 1 decision and the review that informed it. Additional work remains under Intent 2, which calls for the development of a plan ensuring a continuum of services for children and youth who are at imminent risk due to life-threatening addictions. While there continues to be investment in services in alignment with the Mental Health and Community Wellness Roadmap, a full continuum of needed services is not yet realized. As such, this recommendation remains limitedly compliant.