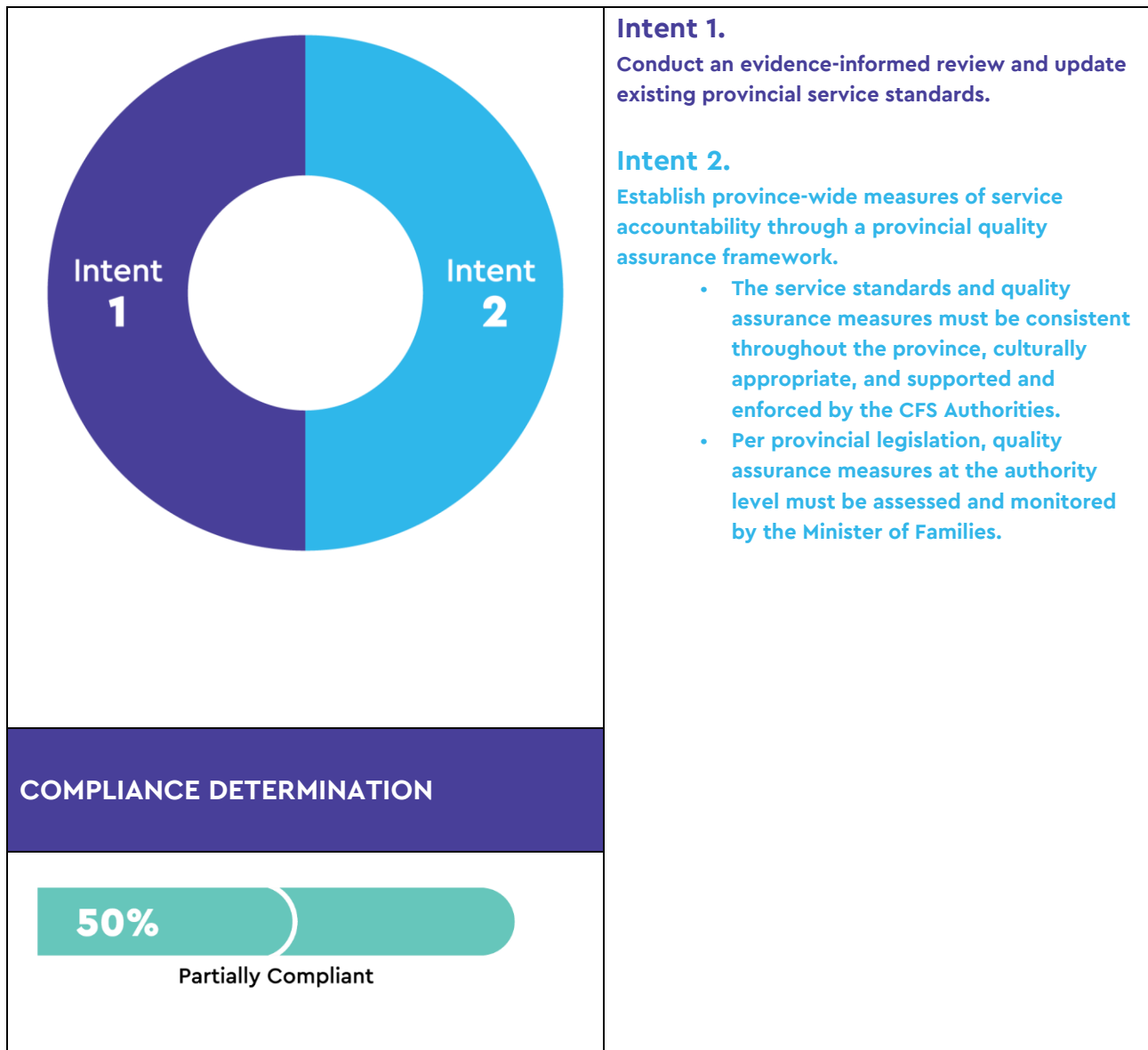


COMPLIANCE DETERMINATION

Angel – 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



Recommendation Compliance Summary



This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	In Need of Protection: Angel's Story
Date Released:	12/13/2018
Full Recommendation: (including details)	<p>Recommendation Four:</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>DETAILS:</p> <p>This province-wide quality assurance framework should include:</p> <ul style="list-style-type: none"> • An evidence-informed review and update of existing Child and Family Service standards. • 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.
Intent(s) of Recommendation:	<ol style="list-style-type: none"> 1. Conduct an evidence-informed review and update existing provincial service standards. 2. Establish province-wide measures of service accountability through a provincial quality assurance framework. <ul style="list-style-type: none"> • The service standards and quality assurance measures must be consistent throughout the province, culturally appropriate, and supported and enforced by the CFS Authorities. • Per provincial legislation, quality assurance measures

	at the authority level must be assessed and monitored by the Minister of Families.
Issue:	Training CFS Minimum Standards
Public Body	Manitoba Families
Dates of Previous Official Updates from Public Body:	May 31, 2023
	June 30, 2022
	May 31, 2021
	June 30, 2020
	December 31, 2019
	June 27, 2019
2. Compliance Determination	
Partially Compliant 0.50	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.
Self-Assessment	Partially Compliant
Previous Compliance Determination	Partially Compliant
3. Rationale for Determination	
<i>(How did you reach this compliance determination)</i>	
Intent 1: Conduct an evidence-informed review and update existing provincial service standards.	
2023	
<ul style="list-style-type: none"> • As reported in 2022, Phase 2 of Standards Modernization is complete, with the posting of updated standards occurring in summer 2023. <ul style="list-style-type: none"> ○ Phase 2 is to be followed by the development of virtual standards training modules. • Phase 3 of Standards Modernization has been delayed following the completion of ensuring the current standards are in alignment with Bill 32. Standards will have to address requirements about placement priority, family support agreements, kinship care, customary care, and voluntary care agreements. • Phase 3 will contain the same work as identified in 2022. 	
2022	
<ul style="list-style-type: none"> • 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. • The following details were provided on what the update of existing Standards included: <ul style="list-style-type: none"> ○ Standards Modernization Meetings involving representation from CYSD and each of the four Authorities were held between May and June 2021 and 	

between September 2021 to February 2022. During that time the following chapters were redlined:

Chapter 1: Case Management

Chapter 2: Services to Families

Chapter 3: Child Protection

Chapter 4: Children in Care

Chapter 5: Foster Homes

Chapter 7: Service Administration

Chapter 8: Agency Operations

- In May and June 2021 there were five meetings with the Authorities group and one meeting with ANCR.
- From September 2021 to February 2022 there were 19 meetings with the Authorities group.
- 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.
- Phase 2 of modernization will be completed with the following activities:
 - May 2022: re-share completed condensed Standards for final authority review.
 - 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 and an important step to set the stage for modernization of the Standards as a whole.
 - September 2022: communication from CYSD to the Authorities announcing publicly posting of the condensed Standards and their effective date in the field.
- Phase 3 of Standards modernization is upcoming and will include work such as:
- Complete rework of the Standards with the plan to have them:
 - reflect an engagement rather than apprehension approach to working with families (will address PSI recommendations 1, 6, 9, 57).
 - make them 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.
 - 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 into 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 (C24).
 - 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* (CFSA) 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.

2023

- Manitoba Families continues to stress the importance of oversight of the CFS Authorities being done in a collaborative way with the full input and respect of the Authorities' rights and responsibilities. This continues to be in line with their suggested alternate solution for fulfilling this intent as identified in 2022.
- The impacts of Bill 32, and the continued work towards the establishment of CFS agencies under Indigenous Governing Bodies (IGB) will highly impact the approach to this intent, as agencies under IGBs do not fall under provincial legislation or standards.

- Manitoba Families further reported that the importance of reconciliation in relationships with Authorities and IGBs means that work must occur in collaborative ways with shared decision making about areas for qualitative reviews. This work will continue through mutual discussion at Standing Committee and with individual Authorities.

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, the role of the province in oversight of the Authorities has always been done in a collaborative way, with their full input and respectful of the Authorities' rights and responsibilities.
 - The Department of Families does quality assurance work only in cooperation with the Authorities in keeping with commitment to self-determination and governance, supported by child welfare transformation. 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. Manitoba supports this change.
 - In light of this shifting in relationships and the importance of reconciliation to be shown in removal of paternalistic relationships with Authorities and Indigenous Governance Bodies, the province must work in a collaborative way with Authorities and look at shared decision making about areas for qualitative reviews. This will continue to take place as is the current practice, in mutual discussions through Standing Committee and with individual Authorities.

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* (CFSA). The CFSA 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: Over the last two reporting periods, detailed information has been provided on the Standards Modernization project and the intended outcomes of each phase. As the project progresses, a number of factors are impacting how standards modernization moves forward, including the proclamation of Bill 32, as well as the continued development of CFS agencies under Indigenous Governing Bodies. While work continues on Standards Modernization, delays in reaching Phase 3 are preventing this recommendation from moving forward at this time. As such, this recommendation remains Partially Compliant.