

Government of the Northwest Territories Response to Committee Report

Report 12-18(3): Report on the Review of the 2018 Report of the Auditor General of Canada on Northwest Territories Child and Family Services

Background

On October 23, 2018, the *2018 Report of the Auditor General of Canada to the Northwest Territories Legislative Assembly – Child and Family Services* was tabled.

The Standing Committee on Government Operations (“the Committee”) convened a public hearing with staff from the Office of the Auditor General and representatives of the Department of Health and Social Services (HSS) on December 12, 2018.

From the public hearing, the Committee presented its report “Report on the Review of the 2018 Report of the Auditor General of Canada on Northwest Territories Child and Family Services” on February 26, 2019. This report contains 13 recommendations for HSS in which the Committee articulates its concerns with the results of the 2018 Report of the Auditor General.

On March 11, 2019, CR 12-18(3) was considered in the Committee of the Whole. The 13 recommendations were carried, including a recommendation that the Government of the Northwest Territories provide a comprehensive response to the report within 120 days.

Recommendation 1:

The Committee recommends that HSS incorporate into its quality improvement plan for child and family services the recommendations made in this report.

GNWT Response

The GNWT accepts the recommendation in principle. HSS will incorporate the recommendations in the Quality Improvement Plan, where appropriate and as accepted.

Recommendation 2:

The Committee recommends that any government department, board, or agency being audited produce a draft action or implementation plan in response to the audit, provide the Committee with a copy of that plan consistent with the appropriate process conventions, and present the plan at the Committee’s public hearing.

GNWT Response

The GNWT does not accept this recommendation as it applies to all government departments and to future audits. HSS accepts the recommendation as it pertains to its

business and the Committee Report on the Review of the 2018 Report of the Auditor General of Canada on Northwest Territories Child and Family Services, to provide a draft action plan or implementation plan to the Committee. To this end, HSS is preparing a Quality Improvement Plan and it will be released to MLAs and the public in August 2019.

Recommendation 3:

The Committee recommends that HSS act immediately to ensure that all gaps in screenings and reviews identified by the Office of the Auditor General, including screening for guardianship agreements and foster homes, are addressed, and that it advise the Committee when this is completed.

GNWT Response

A) Guardianship Agreements

The GNWT accepts this recommendation in principle with exceptions. For clarification, guardianship agreements fall outside of the *Child and Family Services Act*, but they do fall under the *Children's Law Act*. Guardianship agreements are an appropriate vehicle at a point in time when a child is under the custody of the Director (whether through Temporary Custody, Apprehension, or Interim Custody) and the parent(s) has/have come to a decision that child requires another guardian. In these circumstances, the *Children's Law Act* presupposes that parents are in the best position to identify who an appropriate guardian is, should they wish to have another guardian to provide care and custody of their children.

The particular concern identified by the OAG was specific to a group of children they had identified, that were temporarily in the custody of the Director, and on whose behalf the Director had agreed to rescind their custody of without formally assessing the prospective guardian or guardians selected by the parents as appropriate to assume this role. The department reviewed this concern and, in October 2018, created a standard to ensure that in these situations, anyone applying for guardianship of child under the Director's custody would be appropriately assessed prior to the Director making the decision to terminate their custody of the child.

While the Department has taken immediate steps to address the Committee's recommendation for any children in the custody of the Director, for the present or future, for which guardianship may be a reasonable option, this is not appropriate in certain situations as follows:

1) *For children who are provided with supports through a voluntary services agreement, supervision order, or plan of care.* In these situations, the Director will advise the parent(s) that a home assessment process is warranted and will offer assistance in this regard. However, the Director does not have the authority to direct that a home assessment process must be conducted. In these situations, parents have full authority over their children, as guardians and custodians.

2) *For previous guardianship agreements implemented for children while under the Director's custody before the standard was developed.* In those situations, the Director is not able to go back and conduct a home assessment, nor do they have the legal right to do so. Guardianship has already been assigned and if the Director were to initiate a home assessment on those guardians, it would be an infringement of their rights. That said, if the Director received a concern about the care of a child under the custody of a guardian appointed through a guardianship agreement, they would have the legal authority to investigate the concern and take the necessary actions under the *Child and Family Services Act* to address the concern(s).

The Quality Improvement Plan will identify two action areas pertaining to guardianship: implement a new guardianship standard and build the new standard into the quality review process.

B) Foster Care Screening and Assessment

The GNWT accepts the Committee's recommendation with respect to the appropriate screening and assessment of foster homes. In order to support the many improvements necessary in the establishment of foster homes, the Northwest Territories Health and Social Services Authority (NTHSSA) was tasked with the establishment of a quality review process to assess compliance to the standards across the system. The quality review process will enable better monitoring of compliance to the standards and support the development and implementation of further actions aimed at improving compliance. As part of the effort to improve foster care we have established increased staffing both in the authorities and in the department, and as part of the recent submission for human resources, HSS will establish a Foster Care Specialist to help lead and support this work in collaboration with the three authorities.

HSS is focused on continuous improvement in this area and acknowledges its importance.

Recommendation 4:

The Committee recommends that the HSS appear before the appropriate standing committee twice yearly to report on its compliance with the Child and Family Services Act and its progress on its quality improvement plan.

GNWT Response

The GNWT accepts the recommendation for HSS to report twice yearly to the Standing Committee on Government Operations upon their request. HSS will report on the progress made in the Quality Improvement Plan, including key indicators and levels of compliance. HSS will also provide public reporting on the progress of the Quality Improvement Plan on its website to ensure public transparency and accountability.

Recommendation 5:

The Committee recommends that HSS publicly identify performance indicators, including client-centered outcomes, that it will use to assess improvements in child and family services over time; and that reporting on these measures be incorporated into the department's annual business plan and the annual report of the director of child and family services.

GNWT Response

The GNWT accepts this recommendation in principle. HSS is developing a set of performance indicators, which will accompany the Quality Improvement Plan, with regular status reporting. As new indicators are developed, they will also be included in future planning, both in the annual report of the Director of Child and Family Services, and as part of public reporting of the status of the Quality Improvement Plan.

HSS will determine the extent to which client-centred outcomes may be tracked as there may be privacy and information sharing considerations.

Recommendation 6:

The Committee recommends that HSS incorporate into its quality improvement plan on child and family services a commitment to strengthen working relationships with Indigenous and community governments; and that the department regularly report on its progress as set out in Recommendation 5.

GNWT Response

The GNWT accepts this recommendation. HSS has identified this work as one of the ten priority areas under the Quality Improvement Plan. Meetings with Indigenous Governments have been held, initially on March 15 and more recently on May 1, to discuss the Quality Improvement Plan and to receive their feedback and recommendations on improving child and family services for Indigenous children, families and communities.

The expectation is that meetings between HSS and Indigenous governments will continue into the future. HSS will work collaboratively with Indigenous governments collectively and individually, to ensure enhanced communication and collaboration on child and family services.

Recommendation 7:

The Committee recommends that HSS incorporate into its quality improvement plan on child and family services a commitment to strengthen working relationships with community stakeholders in child and family services, including the Foster Family Coalition

of the Northwest Territories and the extended families of children in care; and that the department regularly report on its progress as set out in Recommendation 5.

GNWT Response

The GNWT accepts this recommendation. The Director of Child and Family Services issued a directive to ensure that all foster parents are referred to the Foster Family Coalition (FFC) so that FFC can offer supports and services. A Quality Working Group including the FFC Executive Director as a co-chair has been established. Progress will be reported in accordance with Recommendation 5.

Recommendation 8:

The Committee recommends that HSS develop and implement training for foster parents.

GNWT Response

The GNWT accepts this recommendation. HSS will identify this recommendation is a key action item under the Quality Improvement Plan. A position has been funded to lead and support the coordination and deliver of training to foster parents.

Recommendation 9:

The Committee recommends that HSS establish an information-sharing agreement with the Foster Family Coalition of the Northwest Territories to ensure that all foster parents may be connected with that organization's resources.

GNWT Response

The GNWT accepts this recommendation. This has been addressed in response to Recommendation 7. A Foster Care Agreement allows the sharing of foster family contact information with the Foster Family Coalition (FFC); however, this action was not applied consistently. On April 9, 2019, the Director of Child and Family Services issued a directive to ensure all foster parent referrals are made to the FFC. This action will be added to the Quality Improvement Plan.

Recommendation 10:

The Committee recommends that HSS develop and implement mechanisms to enable staff to provide free and honest feedback anonymously.

GNWT Response

The GNWT accepts this recommendation. HSS has implemented anonymous feedback processes for staff, including an anonymous Child and Family Services Staff Suggestion Box

in September 2018. The web link to the Suggestion Box is included on the monthly CFS Staff Meeting invitation, directives and other departmental communications to the field. Suggestions have informed the development of the draft Quality Improvement Plan.

HSS provides anonymous surveys to participants of training events. Responses are used to improve subsequent training events and develop a comprehensive training framework.

HSS recognizes the importance of staff being able to provide feedback; therefore more meetings and other opportunities for staff to be engaged on actions being taken to improve the system are in progress.

Recommendation 11:

The Committee recommends that HSS incorporate into its quality improvement plan for child and family services a clear commitment to complete the assessment of financial and human resources required to deliver child and family services, as recommended by the Auditor General of Canada, that this assessment incorporate gender-based analysis (e.g., via the Gender-based Analysis Plus tool); that the department share with the Committee its project plan for this work, developing subsequent timelines in discussion with the Committee; and that the quality improvement plan for child and family services be revised and re-released to reflect this assessment upon its completion.

GNWT Response

The GNWT accepts this recommendation in principle. HSS has conducted an initial assessment of financial and human resources required to deliver child and family services. As a result of this work, \$3.3 million for 2019-2020 has been accessed to fund 21 new positions across the system and provide for additional training. Additionally, this action will be reflected in the Quality Improvement Plan.

Given the complexity and nature of work provided by Community Social Services Workers who have other responsibilities in addition to their child and family services responsibilities, the work on defining workload, caseload, skill mix and work flow across the system is still in process. The requirement to apply a gender-based analysis tool is being incorporated. While initial financial and human resource assessment work is reflected in the 2019-2020 budget, this work will be ongoing and consistently applied on a year-by-year basis. The project plan is being developed and will be shared with Committee when completed.

Recommendation 12:

The Committee recommends that HSS develop and implement caseload standards for child protection workers by June 30, 2019.

GNWT Response

The GNWT accepts this recommendation. Preliminary work, based on the best information available at that time, combined with cross-jurisdictional research led to the establishment of a caseload target standard of 11 cases per child protection worker. Research indicates there is little to draw from inter-jurisdictionally; therefore, logical assumptions about caseload, workload, skill mix and workflow will be made and tested over the next few years to inform the development of a caseload range standard and assessment tool.

In 2019-2020, funding for 21 new positions advances implementation of a caseload standard. HSS will assess and test the model once the 21 positions are fully rolled out. With the phased approach, additional positions will be sought in the next two years.

With the addition of the 21 positions, both the Dehcho and Beaufort Delta regions (based on November 2018 data) have reached the desired caseload target standard. As work is completed through testing of the standards model, adjustments will be made, if necessary; therefore this work is considered ongoing.

This recommendation is combined with work being undertaken in Recommendation 11 that includes workload, workflow, and staff skill mix analysis.

Recommendation 13:

The Committee recommends that the Government of the Northwest Territories provide a comprehensive response to this report within 120 days.

GNWT Response

The GNWT accepts this recommendation. This document, Response to Committee's Report, is duly submitted within the required timeline.