



Commission to Promote
Sustainable Child Welfare

Commission de promotion de la viabilité
des services de bien-être de l'enfance

REALIZING A SUSTAINABLE CHILD WELFARE SYSTEM IN ONTARIO

FINAL REPORT/September 2012





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des services de bien-être de l'enfance

September 19, 2012

The Honourable Dr. Eric Hoskins
Minister of Children & Youth Services
56 Wellesley Street West, 14th Floor
Toronto, Ontario
M5S 2S3

Dear Minister Hoskins:

We are pleased to submit to you the final report on the work of the Commission to Promote Sustainable Child Welfare, *Realizing a Sustainable Child Welfare System in Ontario*. It has been a privilege to be part of this work these last three years.

Our final report provides a comprehensive and achievable Sustainability Strategy for realizing the goal of a sustainable, modernized and self-improving child welfare system to support Ontario's vulnerable children and families.

Much has changed and much has been achieved since the Commission began its work in November 2009. The many changes that we are proposing for the months and years ahead are challenging and will require significant effort. Leadership and commitment to change will be essential in the government and in the child welfare sector to maintain the momentum. The Commission recognizes that our recommendations are *in addition to* many other priorities already occupying the time and energy of you and your Ministry. It will be important for MCYS and the sector to critically examine the activities on their current agendas, alongside the new demands presented by the Sustainability Strategy. Improving outcomes for children must remain the compass against which all priorities are assessed.

We are indebted to the countless individuals and organizations who generously shared their time and experience with us, often setting aside their personal interest and organizational allegiances. We end our mandate inspired by the stories of children, youth and families who have overcome adversity with the support of child welfare and other children's services. They are the reason that goal of sustainable child welfare is so vitally important and the reason we urge you and your government to press forward to build on the momentum from these past three years.

Respectfully submitted,

Ene Underwood

Barry Lewis

Wendy Thomson

ACKNOWLEDGEMENTS

Over the past three years the Commission's existence enabled individuals and organizations from across the sector and beyond to come together to share their perspectives on how to improve the system and enhance its capacity to promote the safety and well-being of Ontario's vulnerable children and youth. As Commissioners, we were inspired and energized by the hundreds of individuals who rolled up their sleeves, set aside institutional and sector allegiances, changed their schedules and generously shared their time and experience with the Commission.

The Commissioners wish to express our sincere appreciation to:

The Staff of the Commission who supported every aspect of the work of the Commission, usually behind the scenes and with very little recognition. Their positive energy and hard work were critical to the Commission.

The board members, leadership and staff of Ontario's CASs who never failed to answer our phone calls, respond to our many information and meeting requests, volunteer to be part of advisory groups and speak frankly and passionately about what needs to change and what needs to be preserved. Particular acknowledgement is extended to the board members, leadership and staff of the amalgamating agencies whose remarkable willingness to put the interests of children and communities ahead of their own was instrumental in enabling six strong, new CASs to be established and set the bar on how individuals can come together to create meaningful and lasting change.

The Ontario Association of Children's Aid Societies (OACAS) and the Association of Native Child and Family Services Agencies of Ontario (ANCFSAO) who worked with the Commission on an ongoing basis to provide information, coordinate sector consultations and share feedback on our work. We specifically want to thank the Local Directors Section of the OACAS and the many standing committees of the OACAS for making themselves available to the Commission as information sources and sounding boards for our work.

The leadership and staff of the Ministry of Children and Youth Services who accommodated our numerous information requests, supported our learning, served as excellent sounding boards for our ideas and always had an eye on what it would take to bring our recommendations to life.

Foster parents, providers of out-of-home care, and their membership organizations (Foster Parents Society of Ontario, League of Ontario Foster Families, Ontario Association of Residences Treating Youth and the Ontario Residential Care Association) who shared candidly and passionately their experiences and advice with the Commission.

The leadership of the Ontario Public Service Employees Union (OPSEU) and Canadian Union of Public Employees (CUPE) who actively and constructively engaged with the Commission in bringing to our attention the areas of concern and priorities for change that were identified by their membership.

The many members of the research and academic community who contributed to our work by sharing publications, research findings and evidence-informed expertise. Notable contributors include: the group from the Ontario Child Abuse and Neglect Data System based at the University of Toronto; the Centre for Research on Children and Families at McGill University; the Centre for Research on Educational and Community Services at the University of Ottawa; the team at Practice and Research Together (PART); the Child Welfare Institute and the child welfare researchers from elsewhere in Canada and other countries who took time to consult and share their work with the Commission.

Community leaders and leaders from other sectors serving children and families who participated in Commission site visits to CASs, participated in Commission advisory groups and actively shared their ideas with us over the course of our work.

Aboriginal leaders and leaders of organizations serving Aboriginal children, youth and families who respectfully engaged the Commission in frank discussion about the challenges facing their peoples and the magnitude of changes that are required to build a better future for their children.

Finally, we wish to acknowledge the ***children, youth and families*** who shared with us their first-hand experience as clients of Ontario's CASs. We were moved by the resiliency and insight that we witnessed in our conversations with them.

To those who do not see themselves referenced in the paragraphs above we extend our sincere apologies for our oversight.

Collectively, all of the individuals and organizations who shared their insights and expertise with us also kept us focused on the purpose that brought us to this work: promoting the safety and well-being of Ontario's most vulnerable children and youth.

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EXECUTIVE SUMMARY

Children hold a special place in our society. They evoke in us our most basic instincts to nurture and protect. We want them to grow up healthy, happy and safe and emerge from childhood as confident young adults who will, in turn, nurture their own children.

Our society takes seriously the need to have systems and institutions in place that will promote the development and well-being of children. At the heart of these structures lie the family and the community. Families are supported by more formal systems and structures – schools, health care and recreation. Organizations that safeguard children from abuse and neglect are at the outermost edge of the spectrum.

For more than 100 years in Ontario, Children’s Aid Societies (CASs) have played an important role in protecting children – intervening and providing supports when children’s needs and safety are not met by their family or community. It is important work – and often very difficult. It is sometimes invasive and it is not always welcome. Families receiving child welfare services often face a complex array of issues that may include poverty, addiction, racism, poor health, inadequate housing, unemployment and social isolation.

Over the years, child welfare policy has taken different forms in response to changing societal values, knowledge and the success and failures of the system. Child welfare policy has tended to swing from highly interventionist and risk-focused on protecting children, to less intrusive and focused on preserving and strengthening families. These shifts in policy orientation result in different spending levels, differing numbers of children and families involved in child welfare and varying opinions on where the optimal balance lies in protecting children and supporting families.

A Commission to Ensure Sustainable Child Welfare

In 2009, the Ontario government found itself with more questions than answers regarding the current status and future sustainability of child welfare. Major policy changes had been introduced through the 2006 “Transformation Agenda” but their impact was still unclear. Activity levels in all areas — new investigations, children in care, open protection cases — had declined for the first time in many years, but there was limited information on whether outcomes were improving. Fiscally, although the rate of growth of provincial spending on CASs had moderated in recent years, overall child welfare funding had doubled in less than ten years. Finally, recent reports by the Auditor General (2006) and the Ontario Provincial Advocate for Children and Youth (2009) had raised questions about child welfare management and service delivery.

It was in this context that the government established the Commission to Promote Sustainable Child Welfare (CPSCW or Commission). The three-member Commission was given a mandate through to September 2012 to develop and implement solutions to ensure the long-term sustainability of the child welfare system. The Commission was created as an independent, arms-length body to bring expertise and an objective perspective to examine the system and to set it on a path to long-term sustainability.

The three Commissioners brought to this task extensive experience in child welfare, public service reform, health care, system restructuring and accountability and systems performance. The Commission's ranks included a former CAS board member, a former front-line child welfare worker and various other connections to the work of child welfare. This professional expertise was complemented by first-hand personal experiences that have contributed to a deep commitment to child welfare.

The Commission committed to taking a child-focused approach and to pursue bold, action-oriented solutions. The Commission's approach drew on both empirical evidence and lived experience and was undertaken in a spirit of partnership with government and the many organizations that work together in child welfare.

This document is the Final Report of the Commission and has been prepared for the Minister for Children and Youth Services in fulfillment of the Commission's Terms of Reference.

Defining a Sustainable Child Welfare System

The Commission defined a sustainable child welfare system as:

A system that:

- ***Constantly adapts to evolving challenges, needs and knowledge;***
- ***Leverages available resources to maximize positive outcomes for children and youth; and***
- ***Balances current needs and demands while building a strong system for tomorrow.***

This definition recognizes that sustainability depends on the ongoing capacity of the system to deliver the intended results for the population served within the available resources. Sustainability requires a system that is constantly improving and constantly adapting as needs, knowledge and demands change. All of this must be accomplished while maintaining a dynamic balance between meeting short-term needs without compromising longer-term viability.

A System with Many Strengths – but Facing Serious Challenges

Protecting children from risk and harm is inherently complex. Drawing on the theory of “complex adaptive systems”, the Commission developed a systems framework through which to critically examine all aspects of the organization and delivery of child welfare in Ontario against the definition of sustainability. This examination drew on an international comparison of child welfare in other jurisdictions as well as data analysis and extensive stakeholder consultations. Several conclusions emerged:

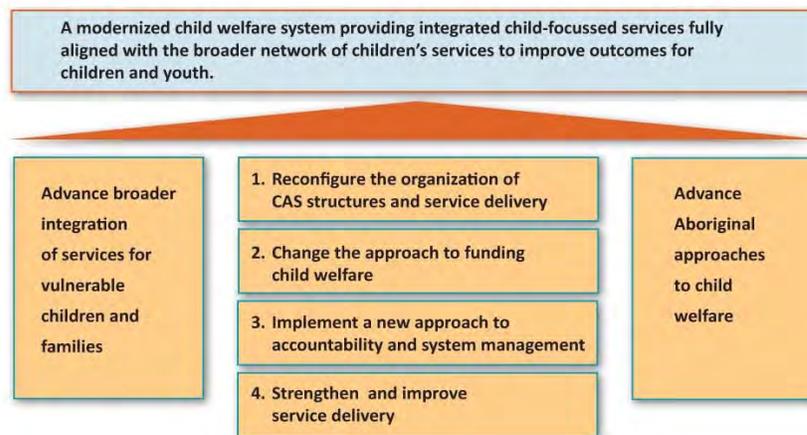
- **The system had many strengths.** Ontario's model of local, independently governed CASs was an asset to be maintained and an effective vehicle for tapping into community goodwill, philanthropy and volunteerism while building positive and trusting relationships. The system also benefited from tremendous depth of expertise and commitment among its thousands of front-line workers, foster parents, volunteers and community partners.
- **The 2006 Transformation Agenda had set the system on the right path but obstacles were hindering progress.** Transformation was based on seeking a better balance between child protection and family preservation by taking a more flexible, less intrusive approach to protecting and ensuring the well-being of children. The key policy dimensions of Transformation were very sound and progress was evident. However, the funding approach, accountability approach, competing priorities and other factors were constraining the pace of change.
- **More value could be realized from the money invested in child welfare.** There was much evidence of a commitment to sound fiscal management throughout the sector. However, all stakeholders could cite examples of how more value could be generated from the funds available.
- **The system was not responding effectively to the diversity of Ontario's population.** Multiple attempts had been made to modify approaches to meet the needs of Aboriginal children and youth but the system was too frequently counterproductive and needs were continuing to escalate. At the same time, rapid changes in the structure of Ontario families and in the ethno-cultural diversity of the population had occurred and would continue to challenge CASs to adapt and change in new ways.
- **Broader integration would be essential.** Too many children and families were experiencing services that felt fragmented, confused and siloed. Cross-sector collaboration and integration was working well in some communities and less evident in others.

In short, the Commission observed a system with many strengths capable of delivering much greater value if purposeful changes were made to address its deficits.

A Vision and Strategy for a Modernized, Sustainable Child Welfare System

The conclusions from the Commission's systemic evaluation child welfare in Ontario led to a vision and a strategy through which a modernized, sustainable child welfare system can be realized.

A Four-Tiered Strategy for Sustainable Child Welfare



This vision reflects the essential attributes of a sustainable and self-renewing child welfare system. The term “modernized” signals the intent to build on the strengths of the system today while increasing its capacity to meet expectations for accountability, to perform as a provincial system and to maximize value for the money invested.

The strategy for realizing the vision is designed around six components: four inter-related tiers that address specific aspects of system design and two overarching priorities that intersect with each of the four tiers. The strategy requires action from all players connected with child welfare: the government and specifically the Ministry of Children and Youth Services (MCYS or Ministry); CASs and their membership associations; foster parents; and community partners across the full range of services for children and families.

1. Reconfiguration

In 2009, Ontario had 53 CASs with budgets ranging from \$3 million to close to \$160 million. Several informal initiatives were in place through which small groups of CASs collaborated on specific programs, but the sector had not pursued any of the more formal shared service strategies evident in some other sectors.

Sustainability requires that all CASs have the capacity, expertise and networks to effectively respond to the needs of clients whether they live in a populated urban centre or in a rural or remote community. Reconfiguration is also necessary to enable CASs to collectively function as part of a well-aligned provincial system delivering consistent service access and quality. In short, the sustainability strategy requires a reconfiguration of child welfare service delivery to ensure that all CASs have the capacity to deliver timely, high quality services and that collectively, the system can optimize the value and outcomes realized from the funds invested.

2. Funding Approach

The current funding approach has many limitations that challenge sector sustainability. It lacks the capacity to adapt to changes in resource levels, need and population and therefore perpetuates historical inequities. It inadvertently provides disincentives for CASs to invest in activities that support children at home and help preserve families. As a cost and activity-based model, it shifts risk from the provider (CASs) to the funder (government). Finally, agency resiliency is undermined by decisions around the timing of the budget cycle and handling of surpluses.

The sustainability strategy requires a funding approach that results in a more equitable distribution of available funds, provides CASs with the latitude and accountability to determine the most effective response to meeting local needs and fosters agency resiliency.

3. Accountability and System Management

Clear accountability and oversight for the spending of public funds are essential to any public service. Mechanisms to drive ongoing service improvement are also essential. In 2009, these goals were not being fully realized in Ontario child welfare. Compliance to standards and risk-management dominated. Paperwork and audits were consuming disproportionate amounts of time for Ministry, CAS management and frontline staff at the expense of service to children and families, clarity on expectations, information on performance and value for money. There was confusion over the respective roles of Ministry and CASs. The absence of an overall planning framework was contributing to a short-term focus and the sense that CASs were working more as isolated organizations rather than as related parts of a well-aligned, constantly improving system.

The sustainability strategy includes a new framework of accountability to bring greater focus, clarity and results-orientation to efforts across the child welfare system. Implementation of this framework will result in an environment in which roles of MCYS, CAS boards and CAS leadership teams will be more clearly defined. In turn, MCYS will establish clear expectations which will be linked to a more formalized planning and budgeting cycle, province-wide performance indicators and cyclical agency reviews of each CAS to assess performance and capacity to improve. The enhanced accountability environment will result in a child welfare system with greater capacity for ongoing self-examination and improvement supported by more timely and meaningful information at every level of system management, governance and service delivery.

4. Strengthening Direct Service Delivery

In 2009, sustainability was hampered by multiple factors relating to direct service delivery. There were differing views regarding the appropriate scope of CAS services and there were unexplained variations in service levels (number of investigations, number of children in care, number of ongoing protection cases) between communities with comparable needs but served by different CASs. There was recognition that further improvements were possible to increase

permanency for children and to reduce the number of children spending long periods of time in out-of-home care. Front-line workers were convinced strategies were needed to reduce the administrative burden so they could increase their time available to spend directly supporting children and families.

The sustainability strategy responds to these various factors by: providing a framework that CASs can use to determine the appropriate scope of services for their communities; making recommendations to strengthen permanency and family-based care for children and youth; and providing direction on ways to reduce and streamline administrative burden.

5. Advancing Aboriginal Approaches to Child Welfare

The system cannot achieve sustainability unless the serious issues in the delivery of child welfare services to Aboriginal children and families are addressed. The unique historical and socioeconomic issues in Aboriginal communities have had widespread impact on their children and youth. Aboriginal children are far more likely than other Ontario children to be taken ‘into care’ and to be placed outside their communities. Resources for supporting families and for early intervention are compromised as a result. The sustainability strategy includes critical changes to shift away from a Euro-Canadian response to the needs of Aboriginal children and youth to approaches that more fully draw on the strengths and traditions of Aboriginal communities.

6. Broader Integration of Services for Vulnerable Children and Families

The sustainability of CASs is significantly influenced by the capacity and effectiveness of other services in responding to the needs of at-risk families and children. The needs of vulnerable children are deep and varied. Many kinds of help are needed in order to realize the best outcomes. Too often, children and families and the workers supporting them experience silos based on programs, institutions and sectors. Efforts often have less effect as a result. Needs go unmet until they escalate into something bigger and the full value for the money invested is not realized. Sustainability of child welfare – and of our combined province-wide efforts to support the welfare of our children – will require changes that strengthen broader integration across all children’s services.

There is Progress and There is Momentum

Over the course of its mandate the Commission has worked in partnership with the Ministry, CASs and others to begin to implement the sustainability strategy. Much progress has been made:

System reconfiguration is underway. Thirteen CASs have amalgamated to create six new CASs. A comprehensive shared services strategy has been proposed and commitments have been made by the Ontario Association of Children’s Aid Society (OACAS), by CASs and by the Ministry to begin the changes that can bring the shared services strategy to life.

The ground has been prepared for a new approach to funding. The Commission has provided the Minister with recommendations for a new approach to funding CASs and the government has made a commitment to introduce a new approach for fiscal year 2013/14.

The shift is underway towards a new framework for accountability. The Commission supported the OACAS and the Ministry in developing and rolling out province-wide performance indicators in 23 CASs as a first phase. A full framework for accountability has been developed and recommended to the Minister. Supporting changes are underway including an OACAS-led project to strengthen CAS governance and ongoing changes by the Ministry to streamline administrative burden.

Changes are taking shape in direct service delivery. The sector, with leadership from the OACAS, is building on the Commission's work to implement changes in family-based care. In the coming months, frontline staff are expected to experience the positive impact of many of the changes being made by the Ministry to reduce administrative burden.

Implementation of a province-wide child protection information system is underway. MCYS, with the active engagement of the sector, has been laying the groundwork for the Child Protection Information Network (CPIN). Once fully implemented, CPIN has the potential to generate significant benefits to direct service, overall efficiency and accountability of the sector through improved performance and outcomes information.

A new approach to Aboriginal child welfare is emerging. Aboriginal and non-Aboriginal CASs are mobilized to implement changes in the way they deliver services to Aboriginal children and families. Organizations that had seldom worked together are now collaborating to advance necessary changes. Earlier this year, an Aboriginal Strategy Unit was established within MCYS to give a broad focus to the welfare of First Nations, Métis and Inuit children, families and communities.

These accomplishments have been realized through the significant efforts of individuals and teams throughout the child welfare sector and MCYS.

Much more work remains. Further change is both necessary and possible to realize a modernized, self-adapting sustainable child welfare system in Ontario.

Success will require that MCYS and CASs commit to a shared multi-year process that breaks down the various components of the sustainability strategy into manageable pieces each with clear leadership accountability, project plans and milestones.

Leadership conviction, foresight and perseverance will be critical. MCYS will need to provide the continued momentum, direction and support to the change process and will need to move quickly to finalize the roadmap and milestones through which work will continue. It will be

important for CASs and their membership organizations (OACAS and Association of Native Child and Family Services - ANCFSAO) to play an active role in informing this roadmap and integrating it into their immediate and ongoing priorities. Other stakeholder groups including foster parents, agencies providing out-of-home care and organizations from other sectors have all shown their commitment to change and should be actively engaged, as should youth and families who have first-hand experience of CAS involvement.

The changes that have already been achieved are a credit to the partners in Ontario's child welfare system and are cause for optimism that the further changes required will be realized.

INTRODUCTION

Healthy and secure children are raised in strong families and strong communities. Unfortunately, there are times when the foundation of our society on which they should be able to depend most fails children and puts them at risk.

For more than 100 years Children's Aid Societies (CASs) have been part of the landscape of social services in Ontario – intervening and providing supports when children's needs and safety are not met by their family or community. It is essential work. It is difficult work.

In late 2009 the Government of Ontario established the Commission to Promote Sustainable Child Welfare (CPSCW or Commission) to develop and implement solutions to ensure the long-term sustainability of the child welfare system for Ontario's vulnerable children and families. Reporting to the Minister of Children and Youth Services (MCYS), the three-member Commission was given a three-year mandate ending in September 2012.

The Commission's Terms of Reference (provided in Appendix A) require that the Commission submit a Final Report to the Minister of Children and Youth Services that includes:

- An overview of work undertaken by the Commission;
- Key findings/conclusions;
- Summary of directions issued to CASs;
- Status of implementation and recommended next steps; and
- Recommendations to the Minister.

This document is the Final Report of the Commission to the Minister of Children and Youth Services completed in fulfillment of the requirement of the Terms of Reference. This report is a compendium of all of the Commission's work and recommendations. As such, it describes the actions the Commission believes will be important to realizing sustainability and the impact that could be anticipated should the recommendations be accepted.

The majority of work and recommendations described in this report are elaborated on in the many reports and working papers produced by the Commission over the course of its mandate. Appendix B provides a full list of the Commission's reports and working papers that have been submitted to the Minister over the course of its mandate. In most cases the recommendations included in this Final Report have been previously submitted to the Minister. These recommendations are repeated *verbatim* with a reference to the date of submission. Additional advice is offered in two areas not addressed in earlier Commission documents, specifically: recommendations relating to the broader integration of children's services; and considerations relating to the *Child and Family Services Act* (CFSA).

Note that while the Minister gave the Commissioners authority under the *Child and Family Services Act* (CFSA) to issue directives to one or more Children's Aid Societies, no such directives were issued by the Commission.

The Commission carried out its work in a collaborative manner engaging the expertise of stakeholders throughout the child welfare sector, the Ministry of Children and Youth Services and other organizations. In doing so, it has served as a catalyst for changes that are underway on a number of fronts within the sector.

Appendix C provides a summary of the research and consultations undertaken by the Commission as well as key information sources that contributed to its work.

THE COMMISSION AND ITS WORK

Collectively, the three Commissioners represent over 100 years of expertise and experience in diverse areas, including:

- **Child welfare;**
- **Public service reform;**
- **Health care;**
- **Service delivery and integration;**
- **Accountability and systems performance;**
- **System restructuring;** and
- **Social work.**

The Commissioners bring a personal as well as a professional perspective to Ontario's child welfare system.

Over the course of its mandate, the Commission visited almost every CAS in Ontario and met with thousands of individuals including members of boards and management of CASs, front-line staff, clients, community leaders, former youth in care, parents, foster parents, union leadership, leaders in other sectors, head office and regional staff of MCYS.

Hundreds of individuals participated on Commission advisory committees and in working sessions. Many more provided input through submissions and first-hand interviews.

The Commission examined research from across Canada and internationally and generated original data. It released an initial report in June 2010 and a comprehensive set of recommendations over the past three years. It also produced and publicly released a series of working papers relating to a range of areas in reforming the province's child welfare system.

The final report is informed by all of the insights gathered by the Commissioners over the course of its mandate.

The Commission's work was guided by the following core principles:

- A focus on children, youth and families;
- Transparency;
- Objectivity based on evidence and the lived experience;
- Iterative, action-oriented process;
- Boldness;
- A spirit of partnership; and
- A spirit of partnership; and
- Respect for diversity—particularly recognition of the unique issues relating to Aboriginal child welfare.

Chapter I

THE COMMISSION'S STARTING POINT

The Commission established the following definition of a sustainable child welfare system.

A sustainable child welfare system is one that:
Constantly adapts to evolving challenges, needs and knowledge;
Leverages available resources to maximize positive outcomes for children and youth; and
Balances current needs and demands while building a strong system for tomorrow.

This definition reflects the inherent nature of sustainability in all public services. Ongoing financial viability is essential but is only a means to an end. The goal is the ongoing capacity of the system to deliver the intended results for the population served. Changes made in the immediate and short-term must be compatible with the longer-term strategy. Throughout its three-year mandate the Commission tested emerging conclusions and recommendations against this definition.

WHAT GAVE RISE TO THE COMMISSION?

In 2009, the Ontario Government found itself with more questions than answers regarding the current status and future sustainability of child welfare.

Major policy changes had been introduced through the 2006 “Transformation Agenda”, but their impact was still unclear. Activity levels in all areas — new investigations, children in care, open protection cases — had declined for the first time in many years but there was limited information on whether outcomes were improving. Fiscally, although the rate of growth of provincial spending on CASs had moderated in recent years, overall child welfare funding had doubled in less than ten years. Finally, recent reports by the Auditor General (2006) and the Provincial Advocate for Children and Youth (2009) had raised questions about child welfare management and service delivery.

CASs also had a number of concerns regarding funding allocation, timing of funding announcements, the growing administrative burden arising from new government requirements and obstacles they were experiencing in fully implementing the changes envisioned by the Transformation Agenda.

Against this backdrop there were divergent perspectives on what the most central issues were for long-term sustainability. The Commission was established as an independent, arms-length body with the mandate to objectively examine and act on concerns being expressed by both government and CASs and to ensure the sustainability of Ontario’s child welfare system.

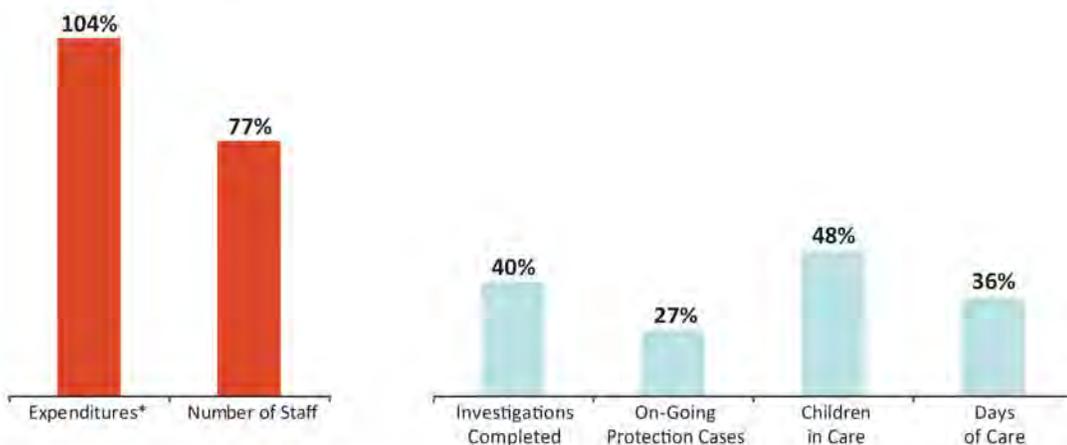
UNDERSTANDING THE DYNAMICS IN ONTARIO'S CHILD WELFARE SYSTEM IN 2009

Spending and Activity Trends

In its early work the Commission analyzed the data and trends that had given rise to the concerns of government and CASs. A key concern for government was the apparent disconnect between increases in child welfare spending and staffing levels on one hand and a decline in service levels on the other. When the Commission examined funding and activity trends at an aggregate level over the period of 1998/99 to 2008/09 (Exhibit 1), it found that, on the face of it, this concern was understandable.

EXHIBIT 1

CAS Expenditure, Staffing, and Service Increases 1998/99 to 2008/09



NOTE: Expenditures are based on real 1998/99 dollars assuming a constant CPI of 2.5%

SOURCE: MCYS Quarterly Reports

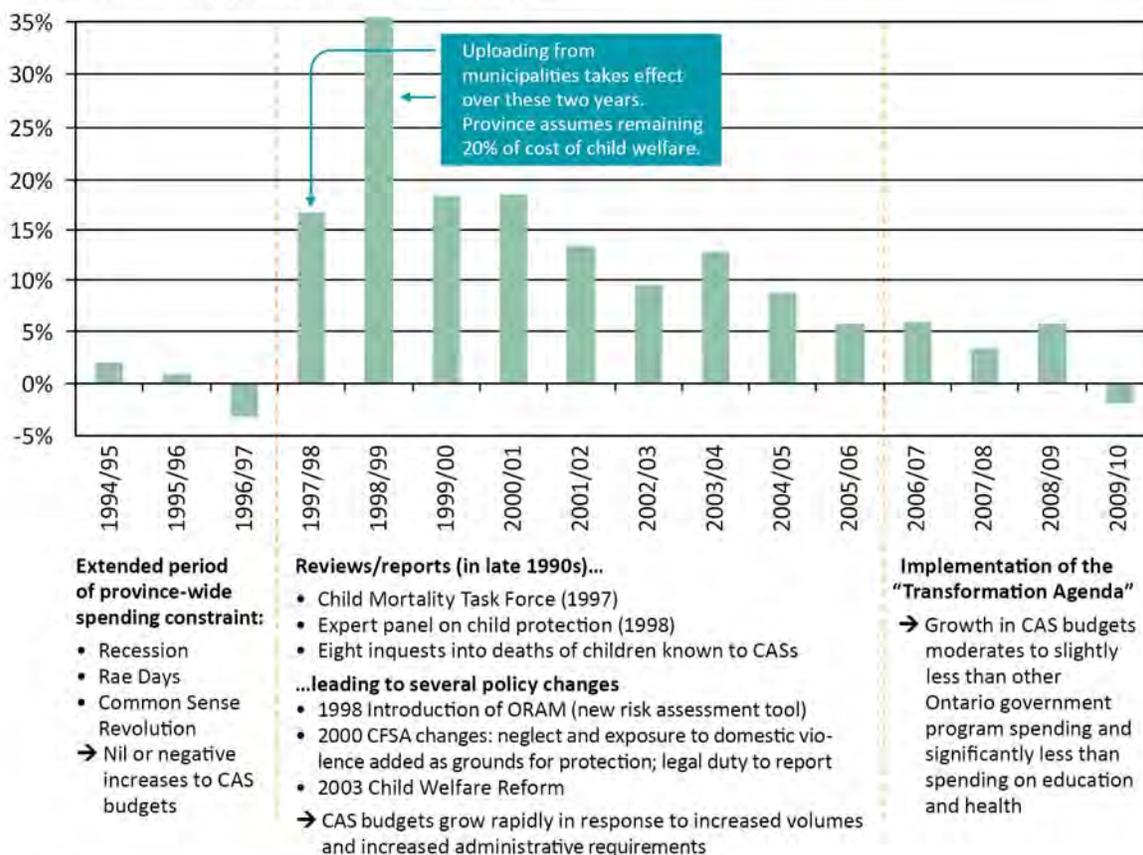
However, a closer examination of the data yielded an alternative interpretation. As shown in Exhibit 2, spending growth of CASs occurred over three relatively distinct periods with a noteworthy moderation of spending in the years immediately prior to 2009. The Commission's analysis revealed that the growth in child welfare spending during the four years leading up to 2008/09 was at a rate slightly less than other Ontario government program spending and less than the rate of growth in spending on health care and education.¹

¹ In the period 2004/05 to 2008/09, expenditure growth (based on constant dollars) was as follows: child welfare (10%); all Ontario government program spending (11%); education (13%) and health care (17%).

EXHIBIT 2

Fifteen Year Trends in Child Welfare Spending

% Annual Increase (Based on Nominal Dollars)



SOURCE: Ontario Ministry of Finance Public Accounts Reports

The "Transformation Agenda"

The dynamic put in motion in the sector by the introduction of the Transformation Agenda warrants close attention.² This key policy initiative was developed through collaboration between the Ministry and the sector from 2004 to 2006 with transformation seeking to strike a better balance between child protection and family preservation. The Transformation Agenda was organized around seven priorities:

1. A more flexible intake and assessment model;
2. A court processes strategy to reduce delays and encourage alternatives to court;
3. A broader range of placement options to support more effective permanency planning;

² The Commission received considerable source information from the work undertaken by MCYS and the sector from 2004 to 2006 in developing the Transformation Agenda. Two useful reference documents are: *Child Welfare Transformation 2005: A strategic plan for flexible, sustainable and outcome-oriented service delivery* (July 2005); and Gary C. Dumbrell, "Child Welfare Transformation: Another Swing of the Pendulum", *Canadian Social Work Review*, Vol. 23, No 1 (2006).

4. A rationalized and streamlined accountability framework;
5. A sustainable and strategic funding model;
6. A single information system; and
7. A provincial child welfare research capacity.

Taken together, the collective goals of Transformation represented a significant shift in child welfare policy. Transformation aimed to move away from a predominantly risk-focused approach of protecting children to one that also acknowledged the strengths of children and of families. Most significant was its focus on alternatives to certain approaches that had become imbedded in practice.

Transformation promoted more flexible, less intrusive approaches to protecting children. This strongly reflects the Commission's definition of sustainability. Implementing Transformation would reduce the risks and costs of providing services thereby increasing value for money from Ontario's child welfare investment, increasing quality and improving outcomes.

EXAMPLES OF TRANSFORMATION'S MORE FLEXIBLE, LESS INTRUSIVE APPROACH

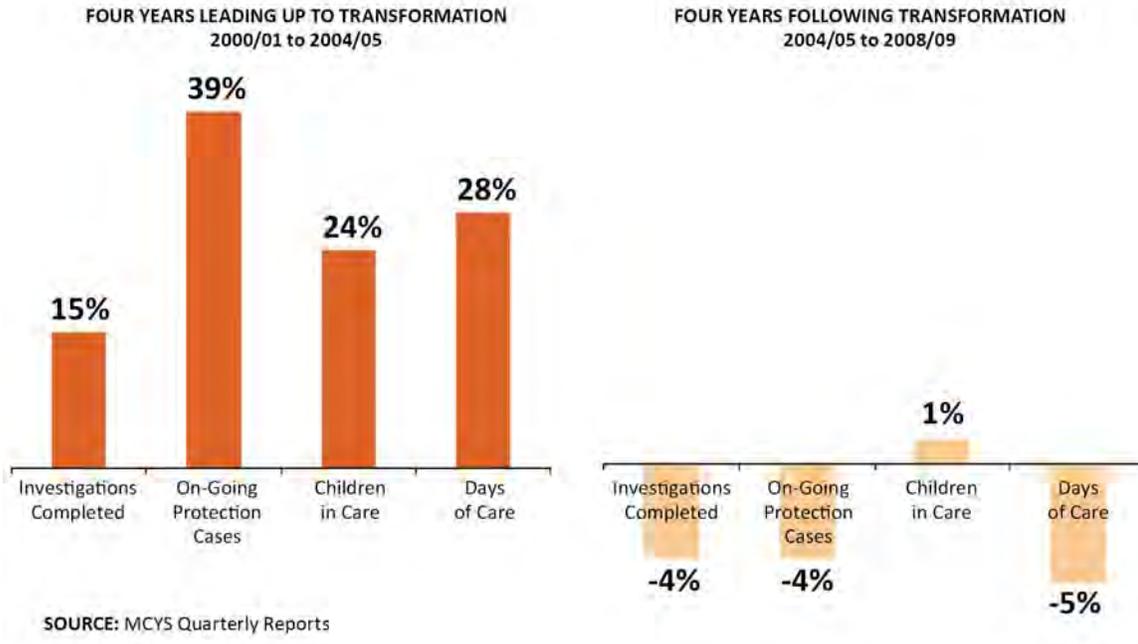
- A full protection investigation would no longer be seen as the default response to every referral/report to a CAS. CASs would employ a flexible intake and assessment model to determine the kind of supports and services needed to keep children safe and families healthy;
- Placing children in foster care and group homes would be a last resort. Emphasis would increase on supporting children at home with their families and, failing that, in placements with kin or, for Aboriginal children, in customary care;
- Older children in care would no longer be seen as "unadoptable". Rather, increased efforts would be made for all children to realize permanency through family reunification, legal custody, adoption and other alternatives;
- Partnerships with community providers would be strengthened so that CASs, working with other agencies, could ensure that families and children were receiving the services they need to avoid maltreatment; and
- Approaches to Aboriginal children and youth would be modified to reflect traditional Aboriginal approaches to keeping children safe and healthy.

An analysis of activity trends in the four years leading up to the policy shift and the four years following showed that Transformation appeared to be working. A significant reversal of the previous upward volume trends was readily apparent by 2009 (Exhibit 3).

EXHIBIT 3

Impacts of Transformation Agenda

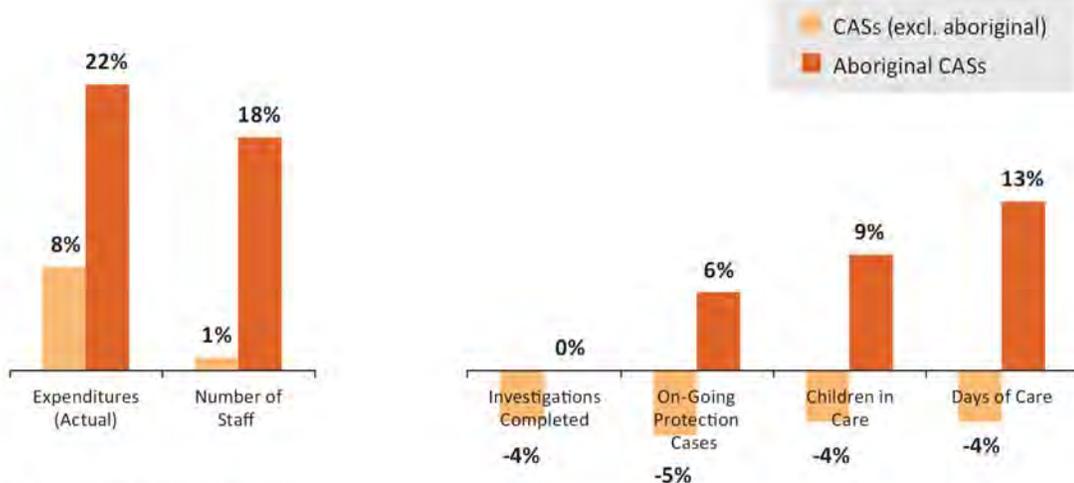
% Change in Service Volumes



An important finding from the Commission's early analysis related to the marked difference in trends between Aboriginal CASs and non-Aboriginal CASs (Exhibit 4). While the impact of Transformation was clearly observable for non-Aboriginal CASs, the picture was entirely different for designated Aboriginal CASs. In the three-year period prior to the establishment of the Commission, these agencies were continuing to experience a rapid escalation in service volumes, in staffing levels and in funding. This picture pointed to a need for pressing and focused attention on the sustainability issues related to organizations serving Aboriginal children and youth.

EXHIBIT 4

Comparative Trends for Aboriginal and Non-Aboriginal CASs
% Change 2006/07 to 2008/09



SOURCE: MCYS Quarterly Reports

The 2006 Auditor General’s Report

The Commission also examined criticisms raised by the 2006 Auditor General’s findings on the child welfare program captured in two reports: one that focused on the CASs and the other on MCYS. Both reports expressed concerns regarding the inability of CASs or MCYS to demonstrate value for money from child welfare expenditures. The report on CASs criticized the level of internal controls and their compliance to Ministry standards. The report on MCYS signaled concerns about the Ministry’s funding practices, licensing and rate setting for private providers of foster and group care. However, the Auditor General also offered insight into the differences in spending growth and volume growth.

While it is reasonable to add new policies and procedures to ensure greater value for money, it is important to understand that the child welfare sector is already both highly regulated and severely stretched for resources. Accordingly, adding new requirements without appropriate flexibility and eventually streamlining of the regulatory burden can have a very real cost in terms of service to the vulnerable populations that we serve. Although recent increases in Ministry funding have enabled critical investments in the long-term capacity of the sector, a direct correlation between new resources and the number of families served should not be expected.³

The Auditor General’s caution regarding the level of regulation, already apparent in the sector, and the need for streamlining of the regulatory burden resonated with the Commission’s own observations during its initial examination of the various dynamics challenging the sustainability of the sector.

³ Auditor General’s Report, 2006, p. 78.

Changes in Ontario's Families

A key social development that was evident when the Commission's work began was the changing face of Ontario's families. The two-parent family with one "stay-at-home" mom could no longer be assumed as the norm. Other family structures had become much more prevalent including common-law couples, single parent families, blended families and same-sex couples. Family size had decreased and, for many families, the role of the extended family had greatly diminished due to geography, smaller family size and other factors.

Of even greater significance was the increasing ethno-cultural diversity of Ontario's families. According to 2006 census data, 28% of Ontarians were born outside Canada and 23% of Ontario's population were visible minorities – up from 6% 25 years earlier.⁴ In urban centres, visible minorities represented a much greater proportion of the population. In Toronto in 2006, 50% of all residents were born outside Canada. In the regions surrounding Toronto, the proportion of residents born outside Canada ranged from 45% in Vaughan to 57% in Markham.⁵

In 2011, the Peel CAS completed a demographic profile of the families and children receiving services from the agency. They found, in the five years from 2006 to 2011, the proportion of ongoing protection services clients who identified as Caucasian had decreased from 63% to 47%.⁶

The growing diversity of Ontario's families reflects not only widely differing cultural backgrounds but also very different experiences. Many newcomer families to Ontario come from countries where no formal child protection system exists and therefore have no familiarity with the legislative role of child welfare agencies. This can give rise to challenges and misunderstandings when CASs are called to intervene in the lives of these families. Moreover, CASs often encounter clients who have been severely traumatized by war, civil unrest, genocide, racial and cultural oppression or other experiences in their countries of origin. These many experiences, together with factors such as language, poverty, housing, gender orientation, education and others, give rise to power imbalances. These imbalances can have a profound impact on the quality of the worker-client relationship.

Collectively, these population changes were resulting in a continuing shift away from Ontario's historical Euro-Canadian-based population to one comprised of a multitude of ethnicities, experiences and structures. More than ever, CASs needed to have the knowledge, the skills and the capacity to ensure the safety and well-being of Ontario's children in families and communities as diverse as the world. In response, many CASs were putting in place Anti-Oppression and Anti-Racism Policies and training programs for their staff and volunteers. Nonetheless, there were indications of concern from some ethno-cultural communities that CASs were falling short in providing services that were culturally sensitive. There were also

⁴ Statistics Canada, 2006.

⁵ Ibid

⁶ Peel Children's Aid Society. *Peel CAS Client / Stakeholder Demographics, 2010-11*. December 2011. Used with permission.

concerns that visible minorities, in particular, African-Canadian and Aboriginal children and youth, were disproportionately represented among child welfare clients.

Looking to the future, the diversity of the population will continue to increase. It has been predicted that by 2031, almost 40% of children in Canada less than one year of age will belong to a visible minority group and 47% of *second-generation* Canadians will belong to a visible-minority group – nearly double the proportion in 2006. In Toronto and its surrounding areas, visible minorities are projected to represent 63% of the population by 2031.⁷

It is clear that the growing diversity of Ontario’s families and communities is one of the challenges to the very first element of a sustainable child welfare system: the ability to *adapt* to evolving needs, challenges and knowledge.

APPLYING A SYSTEMS APPROACH TO SUSTAINABILITY

Protecting and ensuring the well-being of Ontario’s children is inherently complex. To be effective in improving children’s outcomes, services need to connect in a very personal way to the diverse and changing needs of children and families. A basket of services is needed with organizations that work together dynamically to achieve optimal outcomes. Solutions for individual children will be different. The diversity of Ontario’s communities also gives rise to the need for some variation in the shape of local CASs. At the same time, the constellation of child welfare services across Ontario must meet the objective of comparable outcomes for vulnerable children. All this must be achieved at a cost the province can afford while adapting to the ever-changing needs and circumstances of Ontario’s children, families and communities.

The Commission concluded that the complex nature of child welfare could best be addressed by taking a systems approach to sustainability. Drawing on the theory of “complex adaptive systems”, the Commission undertook a systemic examination of the inter-connected elements of child welfare and other public services. The objective was to develop strategies that would enable all the pieces to function as a more integrated, effective and affordable whole.

The Commission’s systems orientation to sustainable child welfare began with recognition that *the welfare of children is a shared responsibility that begins with families and extends to communities and to a range of formal service providers.*

⁷ Statistics Canada. Projections of the Diversity of the Canadian Population, 2006 to 2031, Ottawa, 2010.

Exhibit 5 depicts this dynamic. As illustrated, the family is central to protecting and ensuring the welfare of children. It is essential that families be supported by a range of services delivered through organizations that work together to ensure the overall needs of children are being met. Therefore, the collective purpose of social services lies not only in promoting the welfare of children, but also in supporting and strengthening the capacity of families. Experience demonstrates that vulnerable children – and their families — typically have many needs and, as a result, require access to a variety of services. Optimizing coordination between service delivery organizations is vital to ensuring efficiency; avoiding duplication and helping vulnerable families and their children realize the best outcomes.

Exhibit 5



Within child welfare, a systems approach to sustainability requires a lens that looks at the system from multiple vantage points. It needs to look outward at CASs and how they are organized and functioning. It should also look at how the government and Ministry provide overall direction and support to the system and how they hold CASs accountable. Finally, it needs to seek to understand how children, youth and families experience the system.

The Commission developed a systems framework to evaluate how each component of Ontario’s current child welfare system is aligned with the goal of building a sustainable system. The Commission’s examination was informed not only by evaluating Ontario’s child welfare system but by comparing it with child welfare systems in several other Canadian and international jurisdictions. Exhibit 6 illustrates the framework used by the Commission and the strategic choices for sustainability that it poses.

EXHIBIT 6

The Commission's Framework for a Systems Approach to Sustainable Child Welfare



A summary of the conclusions drawn from the Commission’s systems review and comparison of Ontario’s child welfare system as it existed in 2009⁸ follows:

⁸ The full results of the Commission’s evaluation are described in the working paper, *Jurisdictional Comparison of Child Welfare System Design* (July 2010) which is available on the Commission’s website.

INSIGHTS FROM APPLYING THE SYSTEMS FRAMEWORK TO CHILD WELFARE IN ONTARIO

GOVERNANCE	POLICY CHARACTER	SERVICE CONFIGURATION
<p>Ontario's community-based CAS model differs from other parts of Canada where services are directly delivered and managed by government.</p> <p>Local community governance promotes community connection, engagement and trust. It allows a level of local accountability that could not be replicated in such a vast province by a centrally governed model or by a model outsourced to private providers.</p> <p>There are, however, opportunities to strengthen governance practices to meet today's increased expectations and requirements.</p>	<p>All jurisdictions struggle with the dual child welfare mandate of 'care' and 'control'—swinging from least intrusive approaches that emphasizes family preservation to highly intrusive approaches focusing on protection of the child from risk of harm.</p> <p>The Transformation Agenda set an optimal balance for Ontario that would promote sustainability, but in 2009, it had not been consistently realized across Ontario and there were multiple barriers to achieving this.</p>	<p>Ontario's 53 CASs ranged in size from budgets of \$3.3 million to close to \$160 million. Nearly 70 percent of CASs had budgets under \$25 million and one in four CASs had budgets of less than \$10 million.</p> <p>Several CASs did not have the scale, capacity or networks to respond to service demands and changing knowledge about protecting children and enhancing their well being.</p>
FUNDING APPROACH	PERFORMANCE & ACCOUNTABILITY	CULTURE
<p>The funding model developed as part of the Transformation Agenda was never fully implemented and its design was inadvertently incenting more expensive out-of-home care and posing a barrier to the goals of Transformation and sustainability.</p>	<p>Successive standards, reporting requirements and external reviews added over many years were resulting in micro-management and an excessive focus on compliance at the expense of outcomes.</p> <p>Absence of clear expectations for CASs and lack of role clarity between CASs and MCYS was undermining accountability and performance.</p>	<p>There was a shared desire to be child-focused; but too often organizations were functioning as silos.</p> <p>Children and families were not receiving an integrated array of services responsive to their needs.</p>

On the basis of its review of child welfare in Ontario, the Commission concluded that government and CASs had been right to be concerned about the sustainability of the sector. However, the reasons were somewhat different than those that had initially been characterized as a rationale for establishing the Commission. The child welfare sector in 2009 was not a sector in which there was significant "low hanging fruit" associated with curtailing spending excesses through better management.

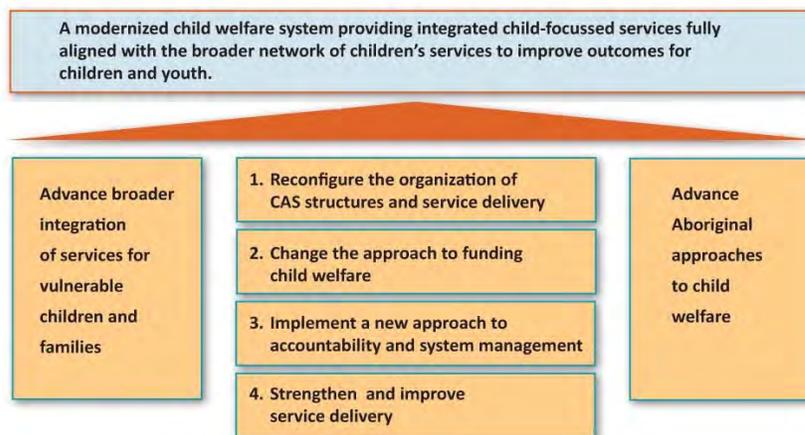
Rather, the child welfare system in Ontario had considerable strengths but significant change would be required to ensure sustainability in the face of mounting pressures and future spending constraint. These changes would need to involve the combined efforts of the Ministry and the sector itself in making systemic realignments so that the structure, funding, accountability mechanisms and service delivery components of the system could work in unison to achieve common goals. These goals should be guided by the policy direction set out in the Transformation Agenda. The result would be an investment in Ontario's vulnerable children and youth that promotes improved outcomes both today and in the future.

Chapter II

A VISION AND STRATEGY FOR REALIZING SUSTAINABLE CHILD WELFARE

Based on the systemic evaluation of the child welfare system, the Commission set out a vision for a sustainable child welfare system and a strategy for realizing it.⁹

A Four-Tiered Strategy for Sustainable Child Welfare



THE VISION

The Commission envisions a self-improving, dynamic child welfare system that is fully integrated and aligned within a child-focused continuum of services for children, youth and families.

This vision reinforces the positioning of child welfare as one of many programs working together to support vulnerable children and families. The term “modernized” signals the intent to combine the positive attributes stemming from child welfare’s strong, philanthropic and community-based origins together with modern day professional practices, management, technology, knowledge and accountability frameworks.

Realizing the vision for sustainable child welfare will result in a future in which:

Children, youth and families will be served equitably across Ontario. All clients will have access to comparable levels of expertise and professionalism. Availability of services for children and families will not be based on the accident of geography.

⁹ The Commission’s vision and strategy for realizing sustainable child welfare was first described in the Commission’s “First Report”, *Towards Sustainable Child Welfare in Ontario* (June 2010). It can be found on the Commission’s website.

Similarly, in this future, foster, adoptive parents and kin families will experience comparable access to supports regardless of where they live in Ontario.

Vulnerable and at-risk children will be identified and supported early. The need for child protection services and admissions to CAS care will continue to decline as a result of more proactive and early interventions. Children’s service providers, including CASs, will work together to provide the services needed to avoid deterioration in children and families’ circumstances.

Youth will enter adulthood with life-long connections. Youth will no longer fear “aging out” of care. They will enter adulthood with the connections, skills and confidence that they need to reach their full potential.

There will be clear evidence of, and constant improvement in, the outcomes of the system. Government, CAS boards, staff and the public will be able to readily access evidence that the outcomes for vulnerable children and youth are improving and that the cycle of neglect and maltreatment are being curtailed.

Time supporting direct service to children, youth and families will be maximized. Social workers, children and youth workers and other frontline professionals will be spending most of their time in direct service to children, youth and families – not in the office filling in forms and checking off boxes.

There will be fewer CASs and all agencies will be financially stable. The scale of each organization will permit high levels and expertise in service delivery, management, quality functions, legal and other services.

There will be variations in the role that CASs play across the province. However, the outcomes for children will be equally positive.

The unique needs of Aboriginal child welfare will be recognized and addressed. Aboriginal children, whether First Nations, Métis or Inuit will have access to services that reflect their needs and are delivered in ways that respect their culture, heritage and traditions.

THE STRATEGY

The Commission has designed a strategy for sustainability that includes six components: four inter-related tiers that address specific aspects of system design and two over-arching priorities that intersect with each of the four tiers. While efforts across each of these six components of the strategy need to be undertaken in parallel, they are mutually reinforcing. As a result, full realization of sustainable child welfare can only be achieved through changes occurring in all of the four tiers and the two over-arching priorities in combination.

The Four Tiers

1. Reconfigure the organization of CAS structures and service delivery

Sustainability requires that CASs consistently have the capacity, expertise and networks to effectively respond to the needs of clients whether they live in a populated urban centre or in a rural or remote community. Reconfiguration is also necessary to enable the CASs to collectively function as part of a well-aligned provincial system delivering consistent service access and quality.

Reconfiguration must maintain the important community connections of CASs facilitated by independent governance by local volunteer boards while building increased capacity through:

- Amalgamating smaller CASs;

- Establishing formal shared services arrangements across the sector; and

- Fostering closer integration of CASs and related social service providers through shared services and amalgamations.

2. Change the approach to funding child welfare

The current cost and activity-based funding model assumes that resources will be available to fund increasing activity and cost. It is also weighted in favour of funding more expensive out-of-home care and inadvertently provides disincentives for agencies to engage in activities that support children at home. The funding model is not adaptive to changes in child population and shifts financial risk from the providers (CASs) to the funder (government). As such, it has many limitations that challenge sustainability.

Sustainability requires a funding approach that promotes a *more equitable* distribution of available funds to agencies that takes into account the needs of the child population in the communities served by each CAS. It needs to provide CASs *more latitude* to use the available resources to serve children and families in the most effective way consistent with local needs and circumstances. Furthermore, the funding approach should *foster agency resiliency* and avoid reliance on year-over-year mitigation funding by government.

3. Implement a new approach to accountability and system management

Sustainability requires a move away from a reliance on prescription to standard processes, compliance audits and case-level reporting to a more strategic framework of accountability. This framework needs to be aligned with a more effective funding formula as well as increased capacity and scale of agencies. The new accountability approach should shift the focus of oversight from being compliance-driven processes – that divert staff time and agency resources from directly serving clients – to improving individual agency and system performance on outcomes through comparative performance data and cyclical agency reviews.

Within the accountability framework, the roles of the key players in the child welfare system – MCYS, CAS boards and CAS leadership teams – need to be more clearly defined. MCYS must establish clear expectations and an effective accountability framework which will enable CASs to be held accountable to the government and the people of Ontario for their results. The overarching goal has to be delivering the best outcomes for the investment being made in vulnerable children, youth and their families.

4. Strengthen and Improve Service Delivery

The paramount measure of sustainability is how effectively and efficiently the system is protecting and promoting the well-being of vulnerable children and youth. Therefore, the strategy for sustainability must advance changes that improve the quality and delivery of services to children. Since service to children is key and resources are limited it is essential to eliminate waste and barriers to ensuring children are getting the services they need. It is important for the province to be clear about the range of services to which vulnerable children should have access. There also needs to be a focus on the effectiveness of these services and the efficiency with which they are delivered.

Two Overarching Priorities

5. Advancing Aboriginal Approaches to Child Welfare

The system cannot achieve sustainability unless serious issues in the delivery of child welfare services to First Nations, Métis, Inuit children and families are addressed. The unique historical and socioeconomic issues in Aboriginal communities have had widespread impact on their children and youth. Aboriginal children are far more likely than other Ontario children to be taken ‘into care’ and to be placed outside their communities. Resources for supporting families and for early intervention are compromised as a result. Ontario has both a moral and a financial obligation to address these issues. Failure to do so will undermine the overall sustainability of Ontario’s child welfare system.

6. Broader Integration of Services for Vulnerable Children and Families

The sustainability of CASs is significantly influenced by the capacity and effectiveness of other services in responding to the needs of at-risk families and children. When other agencies are reluctant or unable to respond, CASs are often called upon to fill the gaps. The most vulnerable children, including those ‘in-care’, require services that cut across Ministry program lines and service sectors. They should not be disqualified or experience barriers in accessing those services by virtue of their involvement with a child welfare agency. Nor should the CAS be the default agency when there are pressures on other organizations. Scarce mental health, special education and other community services need to be integrated for the best effect. Sustainability of child welfare will require changes that strengthen broader integration across all children’s services.

THE BENEFITS OF IMPLEMENTING THE STRATEGY AND REALIZING THE VISION

Disciplined implementation of the sustainability strategy will result in a child welfare system that can better adapt to changing needs, knowledge and resources. It will more effectively leverage available resources to maximize positive outcomes for children and youth. The system will have the capacity to balance current needs and demands while building a stronger foundation for tomorrow. The strategy provides a framework for increasing value for the money. Vulnerable children will be better protected. Outcomes will improve. Fewer children will fall through the cracks. As the province continues to cope with prolonged fiscal constraints it is essential to realize the vision of a modern and fully functional child welfare system.

Chapter III

ACTIONS, PROGRESS AND RECOMMENDATIONS

This section of the report provides details on each of the components of the strategy, progress that is underway and the related recommendations.

RECONFIGURATION

WHY RECONFIGURATION MATTERS TO SUSTAINABILITY

CASs evolved from municipal, religious and charitable roots. As a result, CASs vary widely in both the size of the agency and of the communities they serve. In 2009, the child population within CAS jurisdictional boundaries ranged from under 5,000 to over 500,000. There were 53 CASs in total with budgets ranging from \$3 million to close to \$160 million. The range in size and scale of CASs in Ontario has contributed to wide variations in their capacity to deliver accessible quality services within available resources.

CASs need to have the capacity to provide consistent service coverage with appropriate depth of expertise 365 days a year, 24 hours a day. Small CASs are not easily able to do so. They are at a disadvantage for engaging in quality improvement, for uptake on new evidence-based practices and for ensuring the professional development of their staff. They cannot afford the expertise required to meet modern accountability and continuous improvement expectations. Challenged by the day-to-day service demands of their communities, small CASs also have less time and resources to contribute as part of the larger system. The reality of ever-tightening financial constraints together with continuously rising public expectations for accountability leave the sustainability of small CASs more challenged than ever before.

However, all CASs have a part to play in addressing the issues of scale and capacity in the system. All CASs should be part of the solution by pooling their resources and expertise through shared service arrangements that will enhance the capacity and value for money of individual CASs and of the entire sector.

THE DIRECTION OF CHANGE

To confront the deficiencies arising from the small size and scale of some CASs and from the fragmentation of the system, the attention of the Commission in Tier 1 was on reconfiguring CASs in two ways:

Amalgamation of CASs with other CASs to achieve more comparable size and scale and better access to quality services across the province. With fewer and larger CASs, they will be able to work together more effectively and consistently as a sector to implement provincial priorities and function as a constantly adapting, self-renewing system.

Shared services to improve access enhance service quality and improve value for money. Shared services received considerable attention in the 2012 report of the Commission on the Reform of Ontario's Public Services which observed: *"Given that the introduction of shared services produced over \$900 million in savings across the OPS, the magnitude of potential savings in the BPS is substantial."* The report recommended that shared services should be expanded to agencies, boards and commissions and to the broader public sector.¹⁰

CAS amalgamations, together with formal shared services arrangements, can strengthen agencies and the sector while maintaining the local responsiveness of the community-based organizations. However, the needs of children and families do not organize themselves along program and organizational lines. Nor can the benefits of reconfiguration be realized by restricting the changes to CASs only. Reconfiguration that extends beyond the CAS sector is addressed later in the report.

Amalgamations of CASs

Beginning in fall 2010, the Commission initiated a process to engage a number of CASs in planning for amalgamations. Designated Aboriginal CASs were not included in the amalgamation process because separate work was being done by the Commission on how to address the fundamental issues in Aboriginal Child Welfare.

The Commission established three criteria for identifying which CASs should be considered as candidates for amalgamation:

Child population threshold: A sufficient child population is required to give rise to the service demand necessary to support quality services and certain specialized services. The Commission set a threshold of 25,000 children (aged 0 to 19) as the child population threshold in larger communities and 15,000 for agencies serving a large geography with low population density (note that the median child population for non-Aboriginal CASs in 2009 was 30,000).

Size threshold: Agencies should meet a minimum size (expenditure/staffing) threshold to justify the overhead investments required to support a professionally-run organization. The Commission set \$17.9 million as the expenditure threshold for agencies (the median of 2009/10 expenditures for all non-Aboriginal agencies).

Logical local partners: The Commission recognized that, in some parts of Ontario, there are CASs that meet one or both of the population and size thresholds but do not have a logical local CAS partner with which to merge. The Commission considered several factors in determining whether logical local partners existed: geographic proximity to

¹⁰ Commission on the Reform of Ontario's Public Services *Public Services for Ontarians: A Path to Sustainability*. February 2012, p. 396.

other CASs, cultural considerations, jurisdictional boundaries (e.g. school boards, Local Health Integration Networks) and other factors that could complicate amalgamation agency type (e.g. the model/range of services provided the agency).

The Commission identified 12 CASs that met these three criteria. Two of these CASs (Kenora-Patricia and Rainy River) had begun amalgamation discussions prior to the Commission's work and were already actively engaged with MCYS in implementation planning. The Commission asked the remaining ten CASs to identify amalgamation partners and begin to plan for amalgamation. This process resulted in an additional two CASs that were above the size and scale thresholds becoming engaged in the process since they were the "logical local partners" for amalgamating CASs.

The Commission articulated a set of principles that were to be respected in amalgamation planning. Each cluster of amalgamating agencies was asked to prepare a plan for review by the Commission; satisfying these principles as well as a set of guidelines that were subsequently used to evaluate the plans and determine their readiness for implementation with the support of the Ministry.

The Commission had the lead role for setting the stage with the sector, guiding and facilitating the preparation of Amalgamation Plans, and endorsing the Plans for submission to the Ministry for implementation. Senior Ministry staff worked with the Commission on finalizing the criteria for selecting candidates for amalgamations, validating the guidance that the Commission provided to the agencies and providing resources to secure expert advisors to the "clusters" of agencies. They also worked with the Commission to prepare for the eventual transfer of responsibility from the Commission to the Ministry for implementation of the plans.

In carrying the initiative forward, the Ministry made significant investments of time and people. It established an Amalgamation Team comprised of individuals with the range of skills and responsibilities needed to move implementation forward. The team worked directly with the agencies to address their specific implementation challenges, provided ongoing guidance, recommended and acquired needed expertise from within and outside the Ministry, secured required approvals and guided the overall initiative on behalf of the Ministry.

As of April 2012, due to the combined efforts of the agencies' boards and staff, the Ministry and the Commission, 13 CASs had come together to form six new organizations with the scale and capacity to ensure long-term sustainability.

The success achieved through the processes and structures established for the amalgamation work provides insights that can be applied in implementing other initiatives in the Sustainability Strategy.

Shared Services¹¹

From the outset of its work on Reconfiguration, the Commission recognized that the problems of scale could be addressed in different ways. Amalgamation of CASs with other CASs is the most obvious approach. But a province-wide shared services approach with local/regional delivery as necessary can also be significant and will make it possible to engage all of the CASs and achieve results that would not be realized through amalgamations.

In summer 2011, the Commission initiated a process to identify the opportunities for shared services arrangements among CASs. Well-executed shared services arrangements have the potential to:

- Improve access to quality services in some communities;
- Contain and avoid costs;
- Redirect resources from back-office functions and infrastructure to client services; and
- Reduce duplication of effort and variability.

In every part of the province there are already examples of CASs pooling their resources and efforts to be more cost-effective and to achieve greater service outcomes and the OACAS has also adopted a role in shared services through its education program. However, with the exception of the training provided through the OACAS, these arrangements are informal and voluntary and tend to have limited scope. They cannot have the level of benefits that a comprehensive and formalized shared service arrangement will realize.

Historically, shared service models have focused mainly on transactional, back office business applications such as finance, procurement and human resources administration. The Commission took a more comprehensive approach to its examination and concluded that opportunities exist for shared services at several levels:

- Back office services including but not limited to procurement;
- Support to service delivery (e.g. staff, volunteer and foster parent training quality functions, information systems, translation services); and
- Indirect client services (e.g. foster parent recruitment, legal services and specialized services such as psychological services and some elements of French Language Services).

The Commission also concluded that services that rely on direct interaction with clients should, in general, not be considered candidates for shared services. As an example, child placement decisions should be made by staff in individual CASs while recruitment and training of foster and adoptive families should be organized as shared services. There are, however, selected exceptions that should be considered. After-hours service was one such exception where a

¹¹ A fuller description of the Commission's work and recommendations on shared services can be found on the Commission website in the document: *Reconfiguration of Ontario's Child Welfare Sector: Shared Services*, June 2012.

shared service model has the potential to result in improved, more cost-effective service. Francophone services also have potential to benefit from shared service arrangements.

By the summer of 2012 the Commission had provided advice to the sector and MCYS along with a road map to assist with planning the next steps. Several early steps have been taken, including:

The sector (through the OACAS) and the Ministry have begun discussions around how to advance the shared services initiative and the roles that might be played by each of them;

The OACAS Board of Directors and its members have agreed that the Association will undertake a leadership role with respect to shared services;

The OACAS, with Commission and Ministry support, have begun discussions regarding opportunities to work with other parts of the Ontario government in support of the shared services strategy; and

The OACAS has established a French Language Services (FLS) advisory group that can be used as a reference point for shared services. FLS shared services could include common procurement for translation services, sharing of staff, better use of technology (similar to telepsychiatry) and compiling and maintaining a province-wide compendium of French language professionals in child welfare and related service areas.

RECOMMENDATIONS AND FUTURE PRIORITIES

There are still 10 non-Aboriginal CASs that are serving communities at or below the 25,000 child population threshold. These CASs were not included in the Commission's CAS-to-CAS amalgamations because each of them lacked a "logical local (CAS) partner." The number of CASs falling below the child population threshold will increase as the child population in many parts of the province declines in the coming years. Their continued sustainability remains challenged. The available options for reconfiguring them should be examined with an eye to further amalgamations that are consistent with the principles articulated by the Commission. Options should not be restricted to arrangements with other CASs.

As will be discussed later in this report, amalgamations of local agencies across service sectors (e.g. children's mental health, developmental services, youth justice and child welfare) can have the benefit not only of creating enhanced sustainability for the organizations themselves but of integrating children's and family services in the communities involved. This model (integrated child and family service agencies or "multi-service agencies") already exists in several Ontario communities and the Commission has observed firsthand their benefits for children and families.

In addition to continued attention to amalgamation opportunities, the sector, with Ministry support, should proceed with all agencies participating in shared services. Immediate term priorities for moving ahead with this initiative include:

- Moving to province-wide shared services for procurement;
- Preparing business cases then developing plans to implement shared services incrementally at a regional and/or provincial level related to a number of indirect client services and supports to service delivery (e.g. outside pay resources, recruitment and assessment of placement resources, after-hours services, French Language Services and quality and service improvement); and
- Establishing a provincial body to direct/set parameters for and oversee all shared services initiatives.

Finally, as with amalgamations, shared services opportunities that extend beyond CASs should not be ruled out where there is a business case for them. In many communities service organizations such as children's mental health agencies, developmental services organizations, those delivering the youth justice program and other local agencies are struggling with the challenges of meeting service needs within the constraints of tight budgets and small organizations.

The example and leadership shown by the volunteer boards of the CASs that have amalgamated together (with the lessons learned in this process and in the work on shared services completed with the sector to date) will be valuable assets as work on reconfiguration continues.

However, reconfiguration will continue to require considerable will and resolve on the part of the government. The Ministry will need to take a leadership role in using levers to require agencies lacking scale to embrace more sustainable organizational structures through amalgamations and shared services.

RECOMMENDATIONS

Amalgamations

[*** *New Recommendation* *** submitted with this Final Report, September 2012]

1. In communities in which the local CAS falls below the 25,000 child population threshold, MCYS direct all provincially-funded children's service providers to examine the feasibility of cross-sector amalgamations.

While the Commission provided ongoing advice to the Minister and the Ministry throughout the CAS-to-CAS amalgamation process, no formal recommendations were submitted.

Shared Services

[Submitted August 2012]

1. Ontario's child welfare sector should immediately move to undertake a full and robust program of shared services that includes all Children's Aid Societies.
2. A wide range of child welfare business functions currently performed separately by Children's Aid Societies should be reconfigured and implemented as shared services across all CASs.
 - a. Back office business activities in Children's Aid Societies should be consolidated and shared province-wide as much as possible;
 - b. A common suite of direct child welfare services and functions that support delivery of child welfare services should be consolidated as shared services across the province.
3. A Provincial Shared Services Body should be established to direct, set parameters for and oversee both province-wide and regional shared services.
4. Implementation should proceed under the direction of an implementation project team consisting of Ministry of Children and Youth Services and sector expertise.
5. Implementation should proceed on an incremental basis with individual zones taking the lead to develop and implement a shared service in preparation for its rollout across the province.

FUNDING APPROACH

WHY FUNDING APPROACH MATTERS TO SUSTAINABILITY¹²

The effectiveness and sustainability of any public service is significantly influenced by the approach through which funds are allocated and the context in which service providers are able to channel these into direct services.

In child welfare, quantifying the value received for public dollars is made more challenging by the fact that lower volumes can be a sign of success. For example, having fewer children in out-of-home care can be a result of supporting more children to remain safely with their families. Currently, out-of-home care is the largest and most expensive component of CAS spending; the component most easily quantified and the component for which the most data exists¹³. However, children and youth in out-of-home care represent only a small minority of children served by CASs. As a result, funding models based on volumes will suffer from a lack of comprehensive volume data and will inevitably place more weight on out-of-home volumes leaving CASs with the wrong kind of incentives.

Ideally, the funding allocation approach should reflect the relative need for service. Since needs and the size of the resource envelope change over time, a sustainable funding model must adapt to changes in need as the population and socio-economic nature of Ontario's communities evolve. The funding allocation should also recognize that the resources required to provide services are influenced by a variety of cost factors which vary from one community to another depending on distances, availability of other services and other local circumstances.

The current approach to funding child welfare in Ontario is not meeting these goals. The model is agency-based, not based on the needs of children, and is built primarily on historical costs and volumes of individual CASs. It is not sufficiently adaptive to changes in the rates of population growth and the needs from one community to another and the level of resources available. This cost and activity-based funding model is weighted in favour of funding more expensive out-of-home care and hence, it inadvertently provides disincentives for agencies to engage in activities that support children at home and help preserve families. It also limits agency resiliency and creates dependency on year-end government mitigation funding when CASs encounter higher than expected costs in any given year. All of these factors shift contribute to upward cost pressures and spending trends that are unsustainable.

As noted earlier in this report, there has been a decrease in the number of children in care in recent years. Similarly, the proportion of children in higher cost group care placements has

¹² A detailed description of the Commission's work and recommendations on funding approach can be found on the Commission website in the document: *A New Approach to Funding Child Welfare* (August 2011).

¹³ By "out-of-home care", the Commission is referring to care provided to children in settings like foster care, group care, customary care and kinship care. The cost of providing this care includes both per diems paid to the care provider as well as the costs of staffing to support children in these placements.

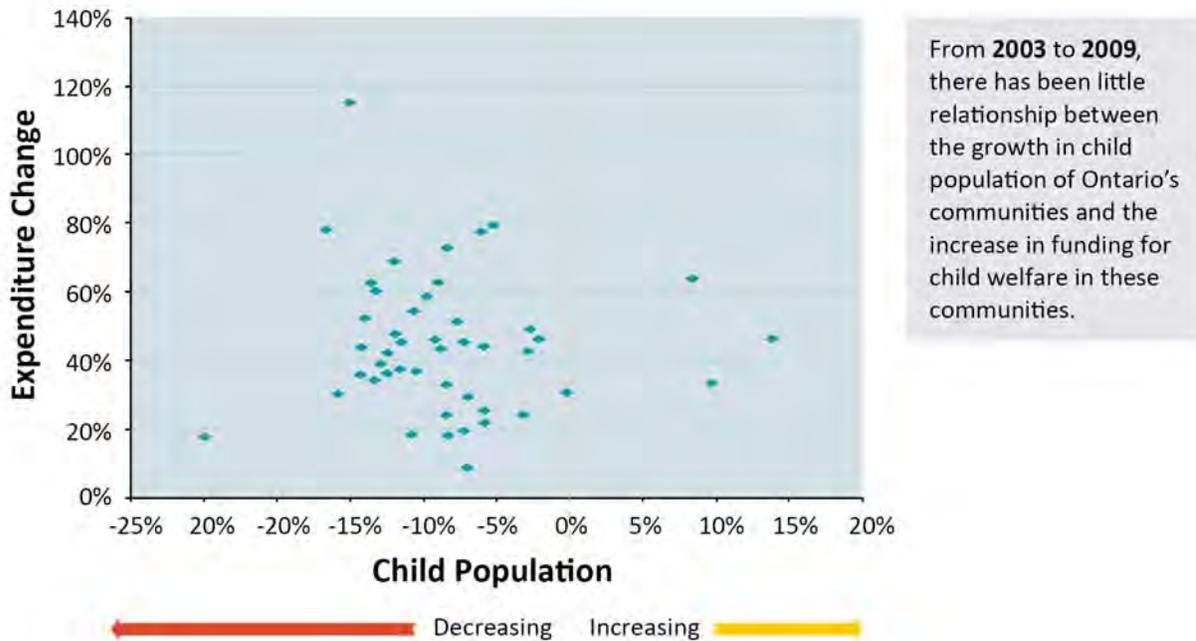
shifted with more children and youth now in family-based foster and kinship care placements. This is evidence that the current funding approach does not *prohibit* CASs from making changes in how they serve children in their communities. However, in general, the Commission’s conclusion from its examination of the current model is that it limits CASs’ latitude to make significant shifts in services, particularly in increasing the emphasis on community-based services. Indeed, many CAS leaders shared with the Commission that changes they have made to shift resources away from “out-of-home” services have been *in spite of* the funding model, not because of it.

The Commission is also concerned by the current model’s limitations in adapting to changes in child population across Ontario’s communities. As shown in Exhibit 8, in the six years leading up to the start of the Commission's mandate, there was little relationship between population growth and growth in CAS budgets. In practical terms this meant that children and families in high growth communities were disadvantaged compared to children in communities with declining populations. This is neither sustainable nor equitable and it is not what is intended by Ontario's commitment to promote the safety and well-being of *all* of its children.

EXHIBIT 8

Child Population Growth versus CAS Expenditure Change, 2003–2009

(Excluding Aboriginal CASs)



THE DIRECTION OF CHANGE

The Commission has proposed changes to the overall funding and allocation approach that will:

- Ensure funding allocation is child-focused not agency-focused;
- Allocate funds in a way that is more equitable and based on proportionate need and on the relative costs of meeting those needs;
- Better balance the onus for managing financial risk between the payer (government) and the provider (CAS);
- Create a climate in which CASs can focus their professional judgment on how to make the biggest difference for children and youth with the funds; and
- Contribute to CASs having the resiliency to adapt to, and absorb, unexpected changes in demands, resources and circumstances.

A Hybrid Model for Allocating Funds

Across jurisdictions and across sectors, various funding models have been used for allocating public sector funds. The Commission examined several funding approaches including:

Population-based funding that determines funding on a per capita basis within a designated service area. Some population funding approaches use a straight per capita funding approach. Others weight the population based on selected socio-economic factors;

Agency-based funding transfers funds through block grants to agencies based on historical costs and/or activity levels. Ontario's current child welfare funding model falls into this category;

Fee for service/activity-based funding that pays a set amount per service and agency funding will be determined by the volume of services provided; and

Entitlement-based funding that is based on eligibility. If criteria are met, payment is made. Programs like Ontario Works and the Ontario Drug Benefit Program use this approach.

The Commission concluded that the model that would most fully reflect the objectives and principles for sustainable funding would be a hybrid model that was predominantly driven by a population needs approach but also incorporate elements of the other funding models outlined above. A population-needs based approach is child-focused and avoids the challenges of fee for service, agency-based and eligibility approaches in which risk shifts from the agency to the funder. At the same time, a hybrid model can include some cost-based funding to reflect agency-specific circumstances, an activity-based component to address activity that is not influenced by local population needs and an eligibility component for adoption and legal custody subsidies.

The population component will, of course, need to reflect the number of children in each community. However, the factors influencing the need for child welfare services are numerous, complex and often inter-related so some degree of weighting for these factors would be required. The incidence of poverty, for example, may correlate with lone parenthood or inadequate housing or the proportion of new immigrants in a community. Similarly, there are mitigating factors which can reduce the need for, or cost of, child welfare services like the presence of other agencies providing services to families and children.

The Commission used the common statistical technique of regression analysis to test the relationships between factors and to identify the subset of factors which together have the best ability to predict demand and costs of providing child welfare services. Regression analysis produces a formula that reflects the relationship between a subset of highly predictive population factors to the need for child welfare services. This formula can then be applied to the specific measures of each factor in the community served by each CAS to determine a "Local Needs-Based Score" for each CAS. CASs with higher needs will have higher scores while CASs with lower needs will have lower scores. This score, in combination with the actual child population in the community, can be used to determine the "proportionate share" of total available funding that should be allocated to each CAS.

A wide range of social, economic and demographic factors were evaluated to develop the formula for the "Local Needs Based Score". The factors that were ultimately found to have the highest combined predictive value and, therefore, included in the proposed model are:

- The number of children aged 0 to 15¹⁴;
- The proportion of families with children that fall below the after-tax Low Income Measure (which is the same measure used for the Ontario government's Poverty Reduction Strategy);
- Teenage pregnancies as a share of all females aged 15 to 19;
- Population density;
- Rurality (a composite measure of settlement patterns which was originally developed by Ontario's Ministry of Health and Long-Term Care); and
- The proportion of Aboriginal children and youth in the community¹⁵.

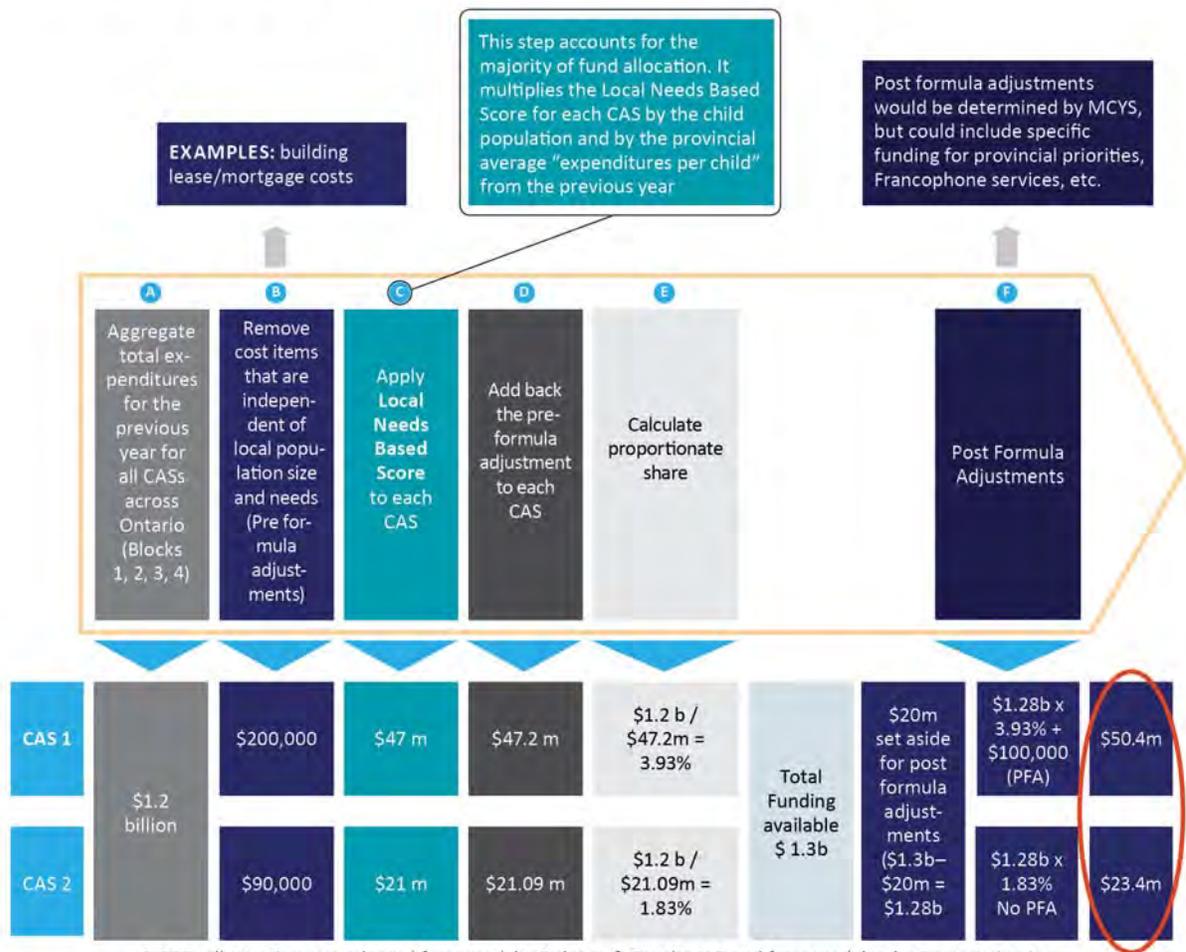
The Commission used the resulting formula to develop a Local Needs Based Funding model. This model — and how it would apply to two example CASs — is illustrated in Exhibit 9.

¹⁴ Children and youth aged 0-15 were used because currently the *Child & Family Services Act* defines 16 to be the age cut-off for a child to be eligible to begin to receive protection services from a CAS.

¹⁵ Note that the "Aboriginal share" factor was not incorporated in the actual regression equation due to data idiosyncrasies. Rather, this factor was designed as an additional factor that would be applied after application of the "local needs based score" which was generated from the regression equation.

EXHIBIT 9

The Local Needs Based Funding Model: *Illustrative Example*



NOTE: Illustration was adapted from work by Deloitte & Touche LLP and from work by the Commission in partnership with Informetrica Ltd.
Numbers are for illustrative purposes only and do not reflect actual funding levels

As illustrated, the actual allocation of funds to each CAS is driven by three main calculations shown in steps B, C and F. The majority of the funding allocation is determined in Step C in which the Local Needs Based Score is applied to each CAS. This is the population component.

"Pre-formula adjustments" are made in Step B to allow for agency-specific costs that do not directly correlate with child population. Examples include lease and mortgage costs which vary by region and by agency circumstances. "Extended care and maintenance" payments to older youths transitioning to adulthood are an activity- and eligibility-based component of the model and are treated as a pre-formula adjustment.

"Post-formula adjustments" are made in Step F at the discretion of MCYS. These adjustments provide a means to target provincial priorities (e.g. community capacity building funds for advancing local cross-sector partnerships). Post-formula adjustments also provide funding for

roles which individual CASs may be asked to perform on behalf of their region or the province (e.g. Francophone services, hosting of a shared service, etc.). Eligibility funding for adoption and legal custody subsidies can also be treated as a pre- or post- formula adjustment.

In developing a range of potential implementation options, the Commission modeled scenarios in which some or all of the per diem costs for Crown Wards are treated as a pre-formula adjustment. This option recognizes the provincial parenting obligation to these young people as Crown Wards. A gradual phase-out of adjustments for these costs during implementation would provide CASs with the financial stability to support current Crown Wards while providing an ongoing incentive to move all children and youth towards permanency outside of the care of the CAS. This potential adjustment represents another example of an activity-based component being incorporated in the model.

Other Changes to the Funding Approach

Implementing a Local Needs-Based Funding model is necessary but not sufficient to support sustainability. The Commission has also recommended other changes in the funding approach to promote agency resiliency in the long-term. These changes include:

- Earlier communication of fiscal year funding targets;
- Shifting to multi-year funding and planning;
- Revising the rules to allow CASs to retain some portion of in-year surpluses;
- Setting up a separate approach for planning, budgeting and approving major capital projects; and
- Transferring administrative responsibility for payment of annual adoption and legal custody subsidies from CASs to MCYS.

A Separate Approach for Funding Designated Aboriginal CASs

All of the principles described in this section apply to the funding of designated Aboriginal CASs. However, the Commission found that the cost structures and service needs of the designated Aboriginal CASs and the communities they serve are markedly different from those of non-Aboriginal CASs. Inclusion of these Aboriginal CASs in the Local Needs Based Model would not be in the best interests of the children and families served by these agencies and would distort the allocation results for non-Aboriginal CASs. Therefore, the Commission conducted additional work to develop a proposal for a separate funding approach for designated Aboriginal CASs. *The recommendations arising from this work are discussed later in this chapter as part of the broader discussion of Aboriginal child welfare.*

RECOMMENDATIONS AND FUTURE PRIORITIES

In each of the last three years the Commission has observed efforts by MCYS to modify the current funding model to mitigate its limitations. Yet, the fundamental challenges remain:

funding inequity, insufficient agency flexibility and continued incentives to provide higher cost services.

It is imperative that a new allocation model and funding approach be implemented that meet the principles and objectives for funding and contribute to the sustainability of the sector. Notwithstanding the mandatory nature of some of the services provided by CASs, one can reasonably expect CASs to manage within their allocations under such a model and approach. The proposed hybrid model developed by the Commission provides a template for meeting sustainability objectives. The Commission offers the following advice for finalizing and implementing a new model:

While the model should incorporate elements of various approaches, the proportion of total funding based on eligibility, activity or costs should be kept to a minimum in order to avoid unintended incentives and shifting risk from CASs to the government. Maximizing the size of the component that is based on population needs will produce the most child-focused funding approach and yield the greatest benefit to sector sustainability;

The phase-in period should span a number of years in order to avoid destabilizing any CASs during the adjustment period. Boundaries should be set for the magnitude of the increase or decrease in funding to each agency in any given year; and

Finally, implementing the new funding model should be closely tied to a new accountability framework for child welfare. This will ensure that CASs have clear expectations on what they are to deliver with the funds they receive and mechanisms around which to demonstrate results and outcomes.

RECOMMENDATIONS

[Submitted February 2011]

Overall Funding Approach

1. Establish a goal for communicating fiscal year funding targets no less than three months prior to the start of each fiscal year.
2. Commit to shifting the sector to rolling multi-year funding to provide greater certainty and long-range planning by individual agencies and by the sector as a whole.
3. Revise the rules relating to retention of surpluses to enable agencies to build small reserve funds.
4. Put in place a new approach to planning, budgeting and approving major capital

for the sector and separate capital funding from operating funding.

5. Transfer administrative responsibility for payment of adoption and legal custody subsidies from Children's Aids Societies (CASs) to the Ministry of Children and Youth Services (MCYS).
6. Develop a separate approach for funding designated Aboriginal CASs for implementation.

Allocating Available Funds

1. Adopt the Local Needs-Based Funding Model for allocating available funds among CASs.
2. Employ a multi-year phase-in of the Local Needs Based Model with adjustments for Crown Wards, amalgamating agencies and other factors to ensure service continuity and agency stability during the implementation period.
3. Consider quantifying the incremental costs for CASs designated to provide Francophone services and treat these costs as a "post-formula adjustment" in the new funding model.

WHY ACCOUNTABILITY MATTERS TO SUSTAINABILITY¹⁶

A strong framework for accountability that provides better information about performance and outcomes is key to sustainability. The child welfare system must demonstrate its value to funders, communities and the families it serves. Moreover, it is critical that the resources spent on services are effectively applied to delivering positive benefits for children and youth. Though the Commission has observed excellent work on the part of CASs, it is difficult to demonstrate measurable results. Without clear expectations and accurate information, judgments about the effectiveness of CAS are made on the basis of unreliable sources, local anecdote or child tragedy.

Ontario's delivery of protection services through local, independently-governed CASs requires a framework to ensure the child welfare system is focused on common province-wide priorities and that any service variances are justified by differences in local needs.

The current accountability requirements within the system were introduced over many years. This has resulted in many separate, overlapping and, at times, conflicting mechanisms that taken together are overly-focused on compliance instead of on agencies demonstrating measurable results from their programs and services. An over-emphasis on compliance to prescribed standards and processes is not an effective approach to continuous improvement or to remedying the current deficiencies in the child welfare system. In fact, there is evidence that it diverts resources from serving children, de-motivates professionals and obscures from view the results that services achieve.¹⁷ It is also clear that for a range of reasons, the current system of accountability negatively impacts Aboriginal agencies, children, families and communities.

There have been several efforts to strengthen accountability over the last decade. Some CASs have developed, and are currently using, excellent planning and performance systems that generate public reports and support service improvement. Over the years, MCYS and the sector have worked with researchers to develop performance measures, outcomes and more effective accountability mechanisms. The current work builds on these earlier efforts.

THE DIRECTION OF CHANGE

The Commission's work focused on developing a new framework of accountability to strengthen governance and establish mechanisms to secure continuous improvement. An effective framework of accountability requires:

¹⁶ A detailed description of the Commission's work and recommendations on accountability and systems management can be found on the Commission website in the document: *A New Approach to Accountability and System Management* (September 2012).

¹⁷ Soo-Young Lee and Andrew B. Whitford, "Exit, Voice, Loyalty, and Pay: Evidence from the Public Workforce" *Journal of Public Administration and Research Theory* (2008) 18(4): pp. 647-671.

- Clear roles and responsibilities;
- Mechanisms for communicating policies;
- Mechanisms for identifying priorities and communicating policy;
- Reliable outcome and performance information; and
- Results to be tied to improvement.

Purpose and Guiding Principles

The overriding purpose of the framework is to strengthen governance and support improvement by bringing greater coherence to accountability mechanisms and focusing on strategic priorities.

The principles guiding the direction of change to arrive at the new approach are set out below:

FROM LESS...	...TO MORE
Fragmented accountability and experience of bureaucratic burden	Unified and coherent system that reduces experience of administrative burden
Reliance on the funding formula to incent change	Reliance on a performance management system with clear expectations and consequences
Conversation about control of financial and other inputs	Conversation about children and the value-for-money of services
Ad hoc introduction of new demands and rules	Clarity of expectations on a planned basis
Compliance to standardized processes	CAS responsibility for continual improvement of results
Ministry focus on case management	Ministry focus on system management
Need to reach judgments without explicit expectations and data	Comparative benchmarking and timely public reporting of results Evaluating whether what we're doing is working

Respective Roles

An effective accountability framework needs to be grounded in a definitive understanding of who is accountable for what. Clarity of roles is essential where the stakes are high and resources are stretched. Ongoing responsibility for developing and maintaining an effective system of accountability rests with the government. Hence, it is important for the Ministry to set the overall strategy, goals and priorities of the child welfare system and ensure that there is an effective accountability framework in place.

CAS boards have the responsibility for governing independent not-for-profit corporations. As such, CASs boards are accountable to their members and local communities as well as to the government for their performance and outcomes. The accountability of CASs should be

discharged though multi-year plans prepared within the planning guidance issued by the Ministry and within the context of local community needs and circumstances.

Both the OACAS and the ANCFSAO have critical roles to play in unifying and supporting their respective members to meet the accountability expectations placed upon them by government and by their other stakeholders.

Dimensions of Child Welfare

If CASs are to manage their performance, gauge results and put plans in place to address shortcomings they need to know what they are expected to deliver. The Commission's work on the "scope" of CASs provides part of the answer. Generally, the Commission's touchstone in defining scope is that every Ontario child and family should have access to a comparable continuum of services wherever they live and regardless of which agency delivers the services. The dimensions of child welfare that are the focus of the work done on accountability are: child safety, permanence and well-being as expressed in the policy characterized by transformation.

Accountability Mechanisms

The Commission reviewed the current landscape of accountability mechanisms and concluded that the three mechanisms requiring the most urgent change are strategic planning and target setting, child outcome and service performance measures and cyclical agency reviews. As these new mechanisms are introduced, existing ones need to be streamlined or removed.

Strategic Planning and Target Setting

Clear direction and objectives need to be established and communicated before agencies can be held accountable for meeting them. MCYS, in collaboration with the sector, should design and implement a multi-year **strategic planning and target setting** process that sets clear directions for more child-focused programs and services across government and its local delivery network.

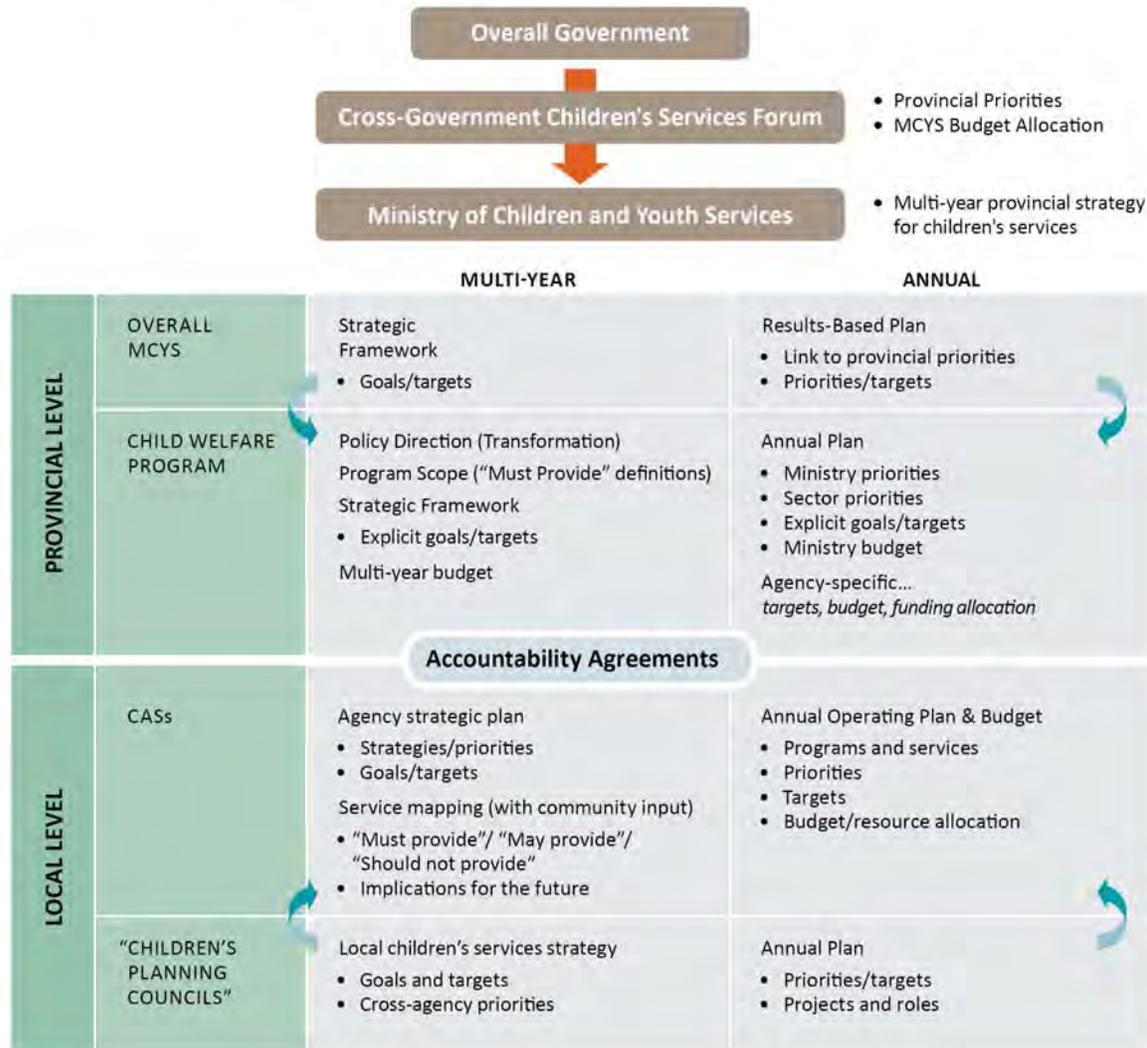
Exhibit 10 provides a conceptual framework for improving planning and goal setting in order to better align government directions and priorities with on-the-ground execution. The framework includes a set of interlocking strategies and plans:

A multi-year provincial Strategy for Children's Services developed by a cross-governmental "children's services forum" led by the Minister of Children and Youth Services. The priorities it sets should transcend Ministries and program boundaries. The strategy should also align the scope, policy and priorities for which MCYS is directly accountable;

Each CAS should have a multi-year strategic plan that reflects provincial as well as local priorities; and

Accountability agreements between local CASs and MCYS should make clear what is expected of the Ministry and local agencies.

EXHIBIT 10
Creating Alignment in Provincial and Local Planning and Priorities
for Child Welfare: Conceptual Framework



Child Outcome and Service Performance Measures¹⁸

What gets measured gets managed. Therefore, child outcome and service performance measures are required to enhance accountability and drive improvement in the sector.

¹⁸ For additional detail on the work undertaken by the Commission, the sector, and MCYS on performance indicators, refer to the following two documents on the Commission's website: *Implementing Performance Indicators in Child Welfare: Phase 1 Report* (September 2012); and, a report completed by OCANDS (Ontario Child Abuse and Neglect Data System), *Results and Lessons from Phase 1 Performance Indicators* (June 2012).

Over the past year the sector worked with the Commission to develop an initial set of 24 **performance indicators** (PIs) that represent the key dimensions of child welfare: safety, permanence and well-being as well as agency management. The PIs cover two categories: *service performance and outcome indicators* that reflect a snapshot of how well CASs are serving children and families and *agency capacity indicators* that provide insights into how likely an agency will continue to improve.

In Phase 1, the 24 PIs were collected in 23 CASs to gather preliminary data and results. The results from this first phase were reviewed at a full-day “summit” in May 2012 which brought together leaders from every CAS as well as from MCYS. The first phase was instrumental in identifying areas for further investigation— areas where information is not being collected in a common way and areas where standardized instruments and definitions will be required to improve data capture in the future.

The stage is now set to move to Phase 2 and include all CASs in capturing and evaluating results across the initial common set of performance indicators. In future years, a number of areas would benefit from being incorporated into the province-wide data indicators. In particular, the Commission urges that:

- CASs begin to consistently capture information on the ethno-cultural backgrounds of clients served using the standard set of categories adopted for the Canadian long form census (2006). This information will be important in assessing how effectively the sector is adapting to increasing population diversity and whether some populations are disproportionately over-served (or under-served).
- Attention be devoted to developing indicators for community- and family-based services to supplement the existing indicators on out-of-home care. This will enable a more accurate assessment of outcomes from all child welfare interventions, not just out-of-home care.
- The organizational capacity indicators be strengthened, in particular in the areas of governance and financial management.
 - The OACAS Governance Advisory Committee should be asked to recommend an indicator relating to board governance.
 - A financial management target should be adopted for CASs to contain expenditure within their budget allocations. This indicator should be introduced once a more equitable funding approach is implemented that allocates agency budgets in proportion to their local population and circumstances.

All work moving forward should be closely coordinated with the implementation of CPIN.

Cyclical Agency Reviews

While strategic planning and target setting provides direction and clarity of goal and performance indicators provide a retrospective snapshot, the best predictor of improvement is an agency's capacity. This prospective view requires a mechanism for regularly reviewing CAS; hence, the Ministry should introduce a program of **cyclical agency reviews** focused on an agency's capacity for improvement. In contrast with compliance-oriented operational reviews that are informed by paper-based audits of client files assessed against Ministry standards, the reviews the Commission is recommending will be more strategic, systemic and results-focused. Where responsive/responsible leadership is well-served by organizational processes and good feedback loops, there is no need to scrutinize the transactional level of an agency's day-to-day operations.

The design of these reviews should be focussed on the improvement for children's outcomes drawing on performance data and evidence. The calibre and credibility of the Review Teams is critical and should be composed of two or three people with a skill mix in management, finance, information and child welfare. To design the Reviews, develop methodologies and tools, ensure consistency of execution and reporting will require specialist expertise similar to the 'improvement services' established in other sectors. It could be drawn externally or developed within MCYS.

All CASs should be reviewed within a three-year cycle. Individual reviews should be conducted through an iterative process of self-study, feedback, publicly published reports, and action plans. Much of the value of the agency reviews should be realized through the quality of the exchanges between CASs, the review team and MCYS in the course of the process. Results of the reviews should be reported publicly without delays and with clear conclusions about how well the agency is rated for serving children and families in its community and what capacity the agency has for improvement. The results of reviews should enable comparisons to be made from one agency to another and track improvement over time.

Making Results Matter

Accountability is strengthened and outcomes improved only if instruments – strategic planning, analyzing performance data and conducting cyclical reviews make a difference – a meaningful difference. Information about expectations and results must be used to support decision-making – for children and youth, families, agencies and the Ministry. There are a number of important enablers that support making results matter:

Importance of Transparency

CASs exercise powerful protective powers and are authorized to intervene in the lives of children and families— in many instances with lifelong consequences. Clear expectations set out in published plans will bring greater transparency to the priorities of CAS and their role in the community. Performance measures also provide transparency around results in key areas

reflecting children’s safety, permanency of care and well-being. Many CASs produce excellent annual reports and scorecards but province-wide measures will allow local results to be put in a broader context.

Power of Comparison

Clear expectations, performance measures and agency reviews will make it possible to employ the power of comparison. Analyzing differences between agencies can generate better knowledge and best practices. If one CAS can place most children in family-based care or unify families more quickly or find permanent homes more successfully, it is important to understand why this is the case and what changes could be introduced to improve results more widely. Information needs to be accurate, reliable and reported on a timely basis so that the data can be used for different purposes by different parts of the system.

Statistical Neighbours¹⁹

There are a number of mechanisms that can be used to support more effective benchmarking. This is particularly important given the diversity of CASs, variance in scale, service models, resourcing and local communities. The Commission developed a prototype “statistical neighbours” tool which uses a set of local socioeconomic data and agency performance data to identify CASs ‘nearest statistical neighbours’. Such a tool will enable CASs to compare their performance on a number of service benchmarks against “like” CASs. This tool can be a very powerful support to CASs’ Boards of Directors and leadership teams in examining variation and putting plans in place to address differences that are not justified by local circumstances.

Value of Proportionality

An effective accountability framework must recognize and reward excellence and address failure. The overall design is intended to align incentives with achieving good results and where poor performance is identified requiring improvement. The aim is to create a self-improving system where excellent agencies are rewarded for getting better, given more freedoms and encouraged to share best practice. Poorly performing agencies would be monitored more closely and given external help until they demonstrate improvement.

A Culture of Curiosity and Learning

Understanding how a system learns is key to being able to adapt and ultimately improve. A system requires feedback or data about what is actually occurring at the frontlines. The concept of ‘loops’ of learning is the next step, permitting corrective action on the basis of the feedback. Feedback must focus not only on whether agencies are doing things right but also on whether they are doing the right things. It would be a big mistake to make assumptions about what is good or poor performance; first must come curiosity and questions. Child

¹⁹ Additional detail on of the prototype statistical neighbours tool can be found on the Commission website in the document: *Child Welfare Statistical Neighbours Model: Rationale and Prototype* (September 2012).

welfare is part of a complex system with many interlocking parts and the challenge is to identify the configuration of data and interpretation of results that allows for improved decisions for improvement. As understanding improves, so will the ability to form more confident judgments and directive actions.

The Question of Financial Incentives and Sanctions

The idea of incentives is sometimes misunderstood to mean funding agencies according to results. Payment by results is in its infancy as a funding model and has been introduced in very few places (mainly in the United States where states or counties use it as part of a wider strategy to create a market and drive down costs and drive up performance through competition). Ontario does not have a market-based strategy for the provision of child welfare services;

Child welfare policy goals also are not sufficiently clear and CAS services are not sufficiently standardized for funding to be based on performance. Nor is there enough reliable data to assess performance and pay on results. The sustainability strategy outlined in this report provides some of the necessary foundations – a fair and transparent funding allocation system, clear policy direction, an effective accountability framework, performance data and agency assessments would all be important precursors. No attempt to introduce payment by results should be introduced without the requisite foundations in place.

Building the Capacity for a Self-improving System

Complex adaptive systems are designed to work best when they have the drivers necessary for self-improvement. Three of these drivers are highlighted here. Beyond these drivers, the Commission advises that the overall accountability framework should be regularly reviewed and revised as needed to adapt to changes in the child welfare system and in the broader accountability environment.

Strengthening CAS Governance

Strong governance by CASs' Boards of Directors is the critical link in enhancing local accountability to the community on one hand and accountability to the province on the other. Strong CAS board governance is also key to enabling MCYS and CASs to effectively play their respective roles. More efficient, results-oriented governance at both the MCYS and agency level will lead to better outcomes for children and youth and a more sustainable system.

In 2012, with the support and encouragement of the Commission, the OACAS established a Governance Advisory Committee to support CASs across Ontario to strengthen governance practices.

Streamlining Existing Accountability and Audit Processes

Continued attention to streamlining existing accountability processes will be critical for overall system efficiency and for making room for the new demands arising from implementation of the accountability framework. Over the course of the Commission's work, MCYS has taken initial steps to reduce the administrative burden faced by frontline workers. Central to this work has been the establishment of a "Gateway Committee" as recommended by the Commission. The "Gateway Committee" is a table at which both MCYS and sector representatives examine both new and existing processes to contain and reduce their administrative impact. MCYS, supported by the Gateway, has made early efforts at streamlining processes such as the case file audits that are part of the Crown Ward Reviews and foster home licensing review. Gateway has also made progress in reducing the duplication of Serious Occurrence Reports. The Ministry has developed a list of priorities for ongoing work in consultation with the sector.

Shared Resource to Serve as a Catalyst for Quality Improvement in Child Welfare

The approach to accountability and improvement recommended by the Commission will require greater capacity across the system for knowledge exchange, data analysis, benchmarking, applied research and improvement support. Currently this capacity is unevenly distributed across CASs. Therefore, quality and performance improvement should be included as part of the shared services initiatives proposed by the Commission. Pooling resources will enhance the concentration of expertise, expand the availability of professional quality function to all CASs, deliver greater value for money and enable better knowledge exchange.

RECOMMENDATIONS AND FUTURE PRIORITIES

Over the past year, MCYS and the sector have been actively engaged in discussions around accountability and in rolling out the first phase of province-wide performance indicators to 23 CASs. CAS boards and the leadership of both OACAS and ANCFSAO have taken an active interest in this work and recognize its importance to realizing their goals for the children, youth, families and communities they serve. The commitment and the readiness to work together augurs well for success in taking the next steps to implement all the components of a new framework for accountability.

Future progress will also benefit from the province-wide implementation of CPIN. Extensive groundwork has been completed under the leadership of MCYS and with the active participation of many individuals from CASs across the province. CPIN has the potential to greatly enhance the quality and timeliness of information available at all levels of child welfare – MCYS, CAS boards, leadership teams and front-line staff – and to enable greater public transparency of results and outcomes.

The recommendations that follow offer a path to an accountability framework that will support improved outcomes, demonstrate results and contribute to sustainability.

RECOMMENDATIONS

[Submitted September 2012]

Accountability Framework

MCYS should introduce a new Framework of Accountability that enables responsible and responsive governance and secures improvement by:

- Aligning MCYS, CASs and OACAS roles and responsibilities with those outlined by the Commission;
- Publishing a Framework for Accountability in Child Welfare which brings greater coherence and transparency to the system founded on the principles and roles provided by the Commission;
- Making the changes necessary to align existing policy and practice with this framework through the mechanisms outlined by the Commission; and
- Determining the features of a distinctive Accountability Framework for Aboriginal Child Welfare as part of the agenda of the Strategic Forum that the Ministry should establish with Aboriginal leaders to develop a new strategy and approach for Aboriginal Child Welfare consistent with those outlined by the Commission.

Strategic Planning

MCYS should design and implement a multi-year strategic planning and target-setting

process in collaboration with the sector in order to set clear directions for more child-focused programs and services across government and its local delivery network. The provisions of such a planning framework are outlined in the Commission's *A New Approach to Accountability and System Management* report and include:

- a) An Ontario Strategy for Children's Services developed by a new cross-ministerial Deputy Minister's Forum and led by the Deputy Minister of Children and Youth Services, with full support of the Minister of Children and Youth Services, the Premier and Cabinet;
- b) A Supporting Children Strategy that aligns the scope, policy and priorities for the programs for which MCYS is directly accountable including a child welfare strategy;
- c) Local Children's Service Strategies and Plans developed for CASs with their community partners;
- d) The introduction of Children's Services Accountability Agreements between local CAS boards and MCYS to make clear what is expected of the Ministry and local agencies in delivering these strategies and plans; and
- e) Accountability Agreements will include requirements to identify all Aboriginal children served, to engage with Bands and otherwise recognize the unique needs and relationships of Aboriginal children.

Performance Indicators (PIs)

In the short run it is recommended that :

- a) The first generation of Performance Indicators (24) be adopted and continue to be collected in Phase 2 clarifying and correcting the problems of data definition and quality wherever practical – but not making any fundamental changes that would impede comparison or progress;
- b) Phase 2 of the PI project be rolled out to all CASs led by OACAS and executed by OCANDS (Ontario Child Abuse and Neglect Data System) as in Phase 1;
- c) The Statistical Neighbours Model should be further developed as performance data from CASs becomes available from Phase 1 and 2 and used for benchmarking performance;
- d) CASs be required to collect complete accurate data about Aboriginal children immediately; and
- e) CASs be required to collect accurate data about children's cultural and racial backgrounds in a standard set of categories such as those used in the Canadian long form census (2006).

In the medium term it is recommended that:

- f) Aboriginal specific outcomes and indicators be developed through the strategic forum that the Commission has recommended in its Aboriginal child welfare report building on the consultations and the PI working paper produced by the Commission;

- g) OACAS develop standard instruments for all CASs to collect client and stakeholder feedback for implementation from April 2013;
- h) MCYS introduce public reporting of a selection of these performance indicators to demonstrate results against the targets it sets for the system in its strategic and results-based plans;
- i) Additional indicators and measures be developed to respond to important areas of service performance and agency capacity that were not addressed in the first set. For example: CAS governance, community and family-based services for ongoing cases, transformation policy (i.e. differential response, alternative dispute resolution), the quality of placement resources, and balanced budgets;
- j) Performance indicators be used to strengthen accountability and system management and foster a culture of curiosity and learning across the sector and MCYS as set out in the Commission's proposed Accountability Framework (to enhance governance, inform multi-year plans and cyclical reviews).

Cyclical Agency Reviews

MCYS should introduce a program of agency reviews to monitor how well CASs are serving children and families and their prospects for continuing to improve.

That the design of these reviews be:

- a) Conducted with a professional management framework focused on capacity for improvement, not compliance with processes and standards;
- b) Guided by clear criteria, backed up by performance indicators and other forms of evidence, developed in partnership with the sector; and
- c) Conducted by mixed disciplined teams led by external consultants and composed of experienced local managers, consultants and senior policy analysts.

Making Performance Matter

- a) CASs should report their performance against expectations set out in their Accountability Agreements with MCYS and produce plans to address areas where improvement is required to meet targets;
- b) MCYS should develop a user-friendly format for comparative reporting of CASs' performance on targets agreed in their Accountability Agreements and the conclusions and actions arising from agency reviews;
- c) OACAS should develop further the Statistical Neighbours Model to facilitate benchmarking between CASs drawing on CASs' performance data as well as the socio-demographic factors used by the Commission;
- d) MCYS should implement a detailed set of provisions for recognizing CASs' successes and addressing weaknesses to realize the 'differential response' to achieving performance results and improvement;
- e) The success of the new Framework of Accountability approach should be secured by fostering transparency, curiosity and learning rather than handing out sanctions and blame; and
- f) Following the full and effective implementation of the Commission's

recommendations, no financial incentives should be considered until there is full confidence in the data and judgments being made about CASs.

Building the capacity

- a) MCYS should commit to a model of self-improvement for the child welfare system and make explicit the part played by its new “Framework of Accountability” that the Commission recommends be published without delay;
- b) The Deputy Minister of MCYS should review the functions and capacity of the Ministry’s corporate and regional offices and introduce the changes necessary for them to carry out their role effectively and efficiently;
- c) The OACAS Governance Advisory Committee should implement its plans for strengthening CAS governance including boards’ capacity to use data for better governance and improvement;
- d) MCYS should increase its effort to streamline existing accountability and auditing processes to align with the new framework recommended by the Commission – making regulatory changes where necessary;
- e) The system’s requirements for research, data and improvement services to support this evidence-based approach to accountability should be determined as a matter of urgency and the resources reorganized to deliver the capacity required; and
- f) These services, which are referred to as “Quality and Improvement Services”, should be a priority for implementing the Commission’s recommendations on Shared Services.

STRENGTHEN DIRECT SERVICE DELIVERY

WHY IMPROVING DIRECT SERVICE MATTERS TO SUSTAINABILITY

The approach that CASs take to organizing and delivering services affects sustainability in several ways. The mix of community-based and out-of-home services has a direct impact on the **cost structure** of individual agencies and on the sector as a whole. Costs associated with out-of-home care account for more than half of all child welfare expenditures. High reliance on out-of-home placements challenges sector sustainability while successful strategies to serve children in their home and reduce the need for or length of time spent in out-of-home placements can promote sustainability.

Another aspect of direct service delivery that influences sustainability is **the way staff time is used**. If the number of staff assigned to administrative functions or the time spent by social workers on administrative tasks can be reduced, more professional staff time can be redirected to working directly with children and families. In turn, children and families can benefit from more “face-time” with workers which promotes a better quality of worker-child/worker-parent relationship. More positive bonds between child welfare workers and their clients is a predictor of better outcomes.²⁰

Finally, and most significantly, service effectiveness influences sustainability because of its **relationship to outcomes**. Positive outcomes for children and families reduce the likelihood of the recurrence of maltreatment – in the current generation and in the next. This, in turn, reduces financial pressure on CASs to intervene to protect children and youth from maltreatment and contains growth in costs.

Positive outcomes are generated both by what CASs do and by what they don’t do. If a child or family does not receive timely access to the right kind of service, needs can escalate, outcomes become poorer and costs increase. But it is also true that if a child or family receives a service that they do not actually need, costs are incurred with no positive effect or even negative consequences. Optimizing this critical inter-relationship between quality – right service at the right time – outcomes and costs lies at the heart of sustainable child welfare.

All areas of the Commission’s work contribute to strengthening direct services to children and youth. However, the Commission undertook additional targeted work specific to the following areas:

- The scope of child welfare services;
- The approach to out-of-home care;

²⁰ The research into the correlation between quality of the counselling relationship and client outcomes was extensively reviewed in an OACAS Local Directors Project in 2010. The final report was edited by Michelle Young and Gary Dumbrell and is titled *Clinical Counselling: A Vital Part of Child Welfare Services* with pages 16 through 53 being particularly relevant.

Administrative burden and its impact on frontline staff capacity for direct service; and
Selected other areas in response to requests for advice from the Minister.

THE DIRECTION OF CHANGE

The Scope of CAS Services²¹

The goal of sustainable child welfare requires clarity around the question of “*Sustainability of what?*” How broad or narrow is the scope of child welfare services? This question – and the sustainability of the child welfare system – is directly influenced by the policy orientation for child welfare. A policy direction that narrows child welfare services and reduces CASs to intrusive protection services provided only after maltreatment has occurred is not sustainable. It places insufficient emphasis on interventions that strengthen families before the need for protection escalates and necessitates reliance on costlier out-of-home services. Conversely, a policy direction in which CASs have very wide boundaries and roles that overlap with providers in the same community can result in undue duplication of services.

The policy orientation as set out by the *Child and Family Services Act* (CFSA) and the 2006 Transformation Agenda strikes the right balance for sustainability. The combined emphasis of this legislative and policy framework is one that balances child protection and family preservation while promoting permanency, least intrusive options and proactive partnerships and referrals to community providers.

However, there are many inherent barriers to fully realize this policy direction: deficiencies in the current funding approach; lack of coherence in the current accountability regime; mixed messages about the government’s commitment to the Transformation Agenda; and years of constrained funding in related sectors together with impediments to access to the services of these sectors for children involved with CASs.

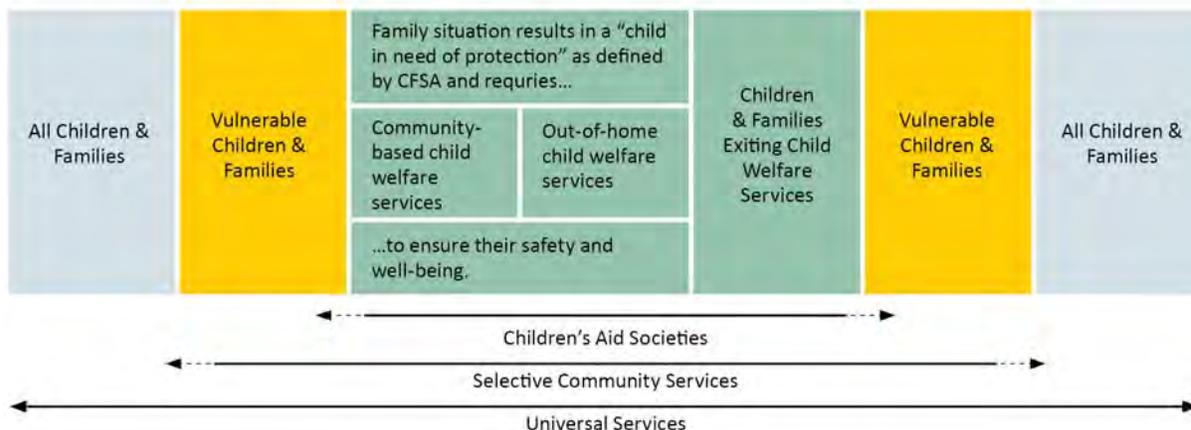
Beyond these barriers, defining the scope of child welfare services is confounded by the fact that just as no two Ontario hospitals or schools are exactly alike, the same is true of Ontario’s Children’s Aid Societies. This is particularly influenced by variations in community need and in the local availability and accessibility of other services such as children’s mental health, addictions services, family counselling, etc.

The Commission conceptualized this reality and the various players contributing to the welfare of children with the “Continuum of Child and Family Needs” depicted in Exhibit 11. As illustrated, universal services (e.g. education and health care) have been developed with the intention that they are available to all children and families in Ontario. For families and children who have vulnerabilities and/or special needs, an array of selective community

²¹ A detailed description of the Commission’s work and recommendations on the scope of child welfare services can be found on the Commission website in the document: *Clarifying the Scope of Child Welfare Services* (August 2012).

services are in place. Child welfare services are intended to respond to families where circumstances have given rise to “a child in need of protection” as defined by CFSA.

EXHIBIT 11
The Continuum of Child and Family Needs



The continuum depicts the reality that there will always be circumstances – sometimes unique to the child or family situation— in other cases, unique to the community – where the scope of services provided will be extended beyond the theoretical boundary of a given organization or sector. For Children’s Aid Societies, this broader service scope may relate to earlier support for vulnerable children and families. It may also relate to services supporting children and families as they exit child welfare services through adoption, family reunification or for older youth in their transition to adulthood. Within each community, the scope of child welfare services will be influenced, in part, by the availability of, and access to, selective community services and universal services.

The Commission defined three categories to describe services provided by CASs under this broad range of circumstances:

- Must provide:** These are programs and services that *must be available* through every CAS regardless of other community resources or unique community/client circumstances. How they are provided may vary from direct delivery, shared service or outside purchase;
- May provide:** These are programs and services that *may be warranted* for individual CASs in the absence of capacity of other community providers or in response to unique client circumstances; and
- Should not provide:** These are programs and services that are *intended to be provided through other publicly-funded providers* rather than being resourced from child welfare funds. These are services where CASs sometimes play a necessary – although unintended – gap-filling role.

In its report on the scope of CAS services the Commission set out an initial list of “must provide” services. The Commission has recommended that MCYS work with the sector to confirm and further define this list of services. Many, if not all, CASs will need to provide “may” and “should not” services at least for some periods of time or in some client situations.

The Commission has recommended that each CAS board of directors direct their organizations to map out their current mix of services. This service mapping should then be used as a basis for discussion with the board, with local community providers and with MCYS regarding whether changes should be made currently and/or in the future with respect to the scope of services delivered for the CAS.

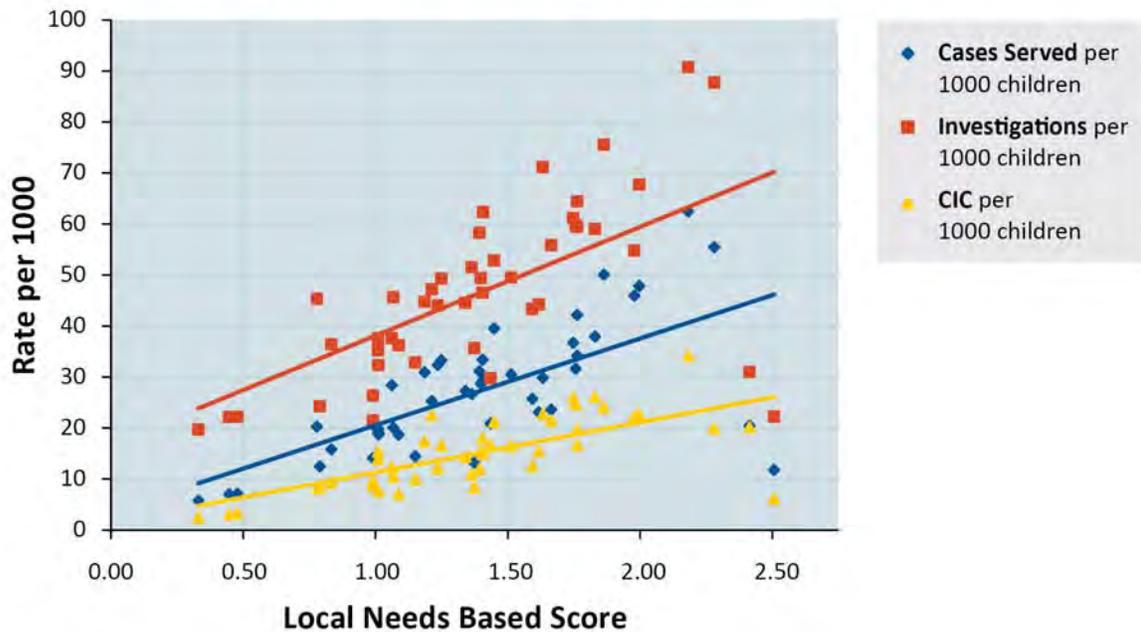
The scope of CAS services is not solely a question of breadth (i.e. what services should be provided), it is also a matter of depth. This encompasses who receives services, under what circumstances and for how long.

Throughout its work, the Commission heard and observed evidence of variation in the depth of services delivered by different CASs. Exhibit 12 provides an example of variability between CASs across three high volume service areas. The plot points show the service level per 1,000 children in the community compared against the “Local Needs Based Score” for that community. Recall that the Local Needs Based Score is a composite measure developed through the Commission’s work on funding and includes a number of socio-economic factors and community characteristics.

As would be expected, the chart illustrates that as community need increases, services levels increase. However, there is wide variation and some significant deviations and there are some CASs that are undertaking higher levels of investigations than others with the same population characteristics. There are some CASs that have proportionately more children in care and these higher service levels represent both costs to the system and potentially higher levels of intrusion in the lives of families and children than may be warranted or beneficial. In a sustainable child welfare system this kind of variability must be critically examined so that insights can be gained for the benefit of all Ontario's children.

EXHIBIT 12

Child Welfare Service Levels Compared With Local Needs Based Scores



Source: MCYS Quarterly Reports

The Commission has recommended that MCYS work with the sector and expert resources to examine the eligibility and other assessment tools that are being used to inform service decisions. This examination should look not just at the tools but also how staff are trained in their use, how the tools are being applied and the outcomes they are generating.

In summary, the question of scope of child welfare services has many dimensions. Over time, each of Ontario's CASs have made independent decisions on the mix, intensity and service partnerships that will meet the needs of children and families in their communities and this local orientation is important and should be preserved. However, the goal of a sustainable child welfare system for Ontario requires greater and more consistent discipline province-wide on how these local questions of scope are asked and answered. Defining "must provide" services, bringing transparency to the combination of "must/may/should not" services, formalizing local community planning processes and critically examining eligibility and other assessment tools with respect to service variation are all critical to realizing sustainable child welfare throughout the province.

The Approach to Out-of-Home Care for Children and Youth²²

²² A detailed description of the Commission's work and recommendations on out-of-home care for children and youth can be found on the Commission website in the document: *Strengthening Family Based Care* (August 2012). Additional information can be found in an earlier working paper by the Commission: *In-Care Services Working Paper* (December 2010).

In today's society, "family" can take many forms. Regardless of the form it takes, there is broad consensus that healthy child development is best supported within the context of a strong and supportive family environment.

For a child or youth, remaining safe at home — or, failing that, in an environment that is as “family-like” as possible — is important for many reasons. The act of separating children from their parents and placing them in another home setting can, in many cases be very traumatic for children. This trauma and loss can be compounded if children are also separated from siblings, extended family, friends, community and culture. In addition, statistics tell us that the more time a child spends in out-of-home care, the more likely they are to experience multiple moves which in turn bring many school changes and the constant challenge of having to build new relationships within the home, school and community.

The Therapeutic power of “Family”

“ ... the naturally occurring opportunities in daily living may ultimately prove more therapeutic than attempts at helping that are specially devised or engineered. Daily or regular routines and rituals in family and school may often help children to begin to recover from the effects of stress in their lives. Familiar routines at home around meals, bedtime stories, getting up or family outings may prove important sources of a sense of order and structure “

Gilligan, R. (2004). Promoting resilience in child and family social work: Issues for social work practice, education, and policy. Social Work Education, 23(1): 93-104

The stressors associated with this experience often manifest as ever-increasing behavioural, emotional and mental health needs and declining educational achievement. Statistics show that older youth who have experienced multiple moves are less likely to realize permanent attachments in a family and more likely to “age out” of care. Research also shows that youth who age-out of the system without the support of a permanent family have poorer life outcomes in terms of educational attainment, employment, teenaged pregnancy, addictions and mental health issues and, for some, crime and incarceration.^{23,24}

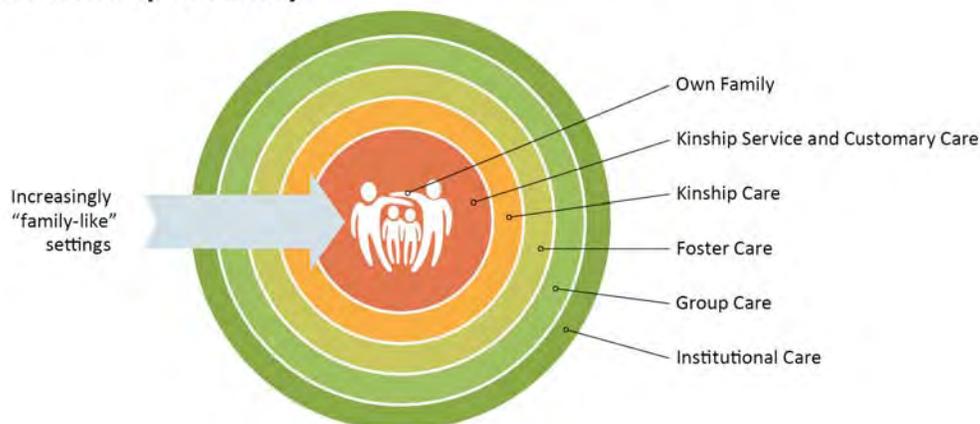
Exhibit 13 depicts the central nature of family in the multiple levels of living settings for children beginning with their “own family” setting and continuing through placements with kin (or community in the case of customary care placements for Aboriginal children) through foster care to more intensive group and institutional settings. It should be noted that “own family” could include the child’s biological family or a family created through adoption, legal custody or other arrangements.

²³ R. Gilbert, C. Spatz Widom et al. “The burden and consequences of child maltreatment in high income countries” *The Lancet*, Vol. 373, January 3, 2009.

²⁴ C. Forbes and B. Inder. *Measuring the cost of leaving care in Victoria*, Monash University, Department of Econometrics and Business Statistics, August 2006.

EXHIBIT 13

The Multiple Levels of Out-of-Home Placements and their Relationship to Family



Our aim as a society should be to maximize the number of children and youth that grow up in settings at or near the centre of these circles. At the same time, it is important to recognize that the best setting for a child or youth should be based on his/her needs not on an ideological framework that promotes one level of care as better than another. The Commission recognizes that there are certain situations and periods of time in which the best setting for a particular child or youth will be in staffed group care. Similarly, there are many situations in which a placement in a foster home is a much better option for a child than a placement with kin. Thus, at the case level, placement decisions must be made based on the needs of the child or youth. Then, whatever the right placement is, every attempt should be made to enable that placement to be as family-like as possible.

In recognition of the central nature of family, the Commission's work relating to out-of-home care was referred to as Strengthening Family-Based Care. The outcome of this work was recommendations and actions aimed at achieving several objectives:

- Making out-of-home care feel more home-like by reducing bureaucratic rules and requirements that create stigma for, and undermine the experience of, home and family for children and youth;
- Increasing opportunities for children and youth to be placed close to home so that they are not at great distances from their own communities, their families, extended families, friends, and, in the case of Aboriginal children, their cultures;
- Augmenting efforts to place children with kin, where appropriate, and increasing assistance to kin families to enable them to support children placed with them;
- Addressing factors that contribute to multiple moves for children and youth; and
- Promoting avenues through which children and youth in out-of-home care can grow roots and life-long relationships.

Reducing Administrative Burden²⁵

Administrative activities are both inevitable and desirable in the operation of any organization. The purposes of administrative activities are typically some combination of general and necessary management activities, risk management and demonstrating appropriate stewardship of public resources.

In child welfare it is important to constantly ask whether the gain from the administrative activity is sufficient to offset the time away from serving vulnerable children and families. It is also critical to ensure that professional social workers are able to use their skills and competencies to the utmost. Checklists should not replace the role played by professional judgment.

There is a widely-held perspective amongst CASs that MCYS is placing an unrealistic and ineffective compliance and administrative burden on their agencies. In turn, MCYS staff state that some CASs continue with processes that are no longer required or place more onerous interpretations on requirements than are necessary. The Commission believes that both of these perspectives have merit. Whatever the origin, as CAS staff spend more time on administration, they are spending less time meeting the needs of children. This conclusion was borne out in Commission conversations with front-line staff and union representatives. Again and again, the Commission heard from staff of their desire to maximize the use of their time doing what they were trained to do: make a difference in the lives of vulnerable children and families through strong, therapeutic relationships.

While there are no reliable measures of staff time and costs associated with administrative activities in Ontario's CASs, it is estimated that only 25% to 30% of staff time is spent on direct service to clients²⁶. It is widely believed in the sector that this has represented a significant decrease in direct service activity in recent years due, in part, to the accumulative effect over time of regulatory requirements. Trend data from recent years shows that the growth in CAS staffing exceeds the growth in service volumes providing further evidence that increasing administrative requirements is demanding more and more staff time. The strong compliance and audit culture of child welfare in Ontario must be modified in order to realize a better balance between administrative burden and direct service to children.

The Commission is also concerned about the inconsistent interpretation and application of the requirements by the Ministry and the CASs across the province.

²⁵ An elaboration of the Commission's advice on reducing administrative burden can be found on the Commission website in the document: *Reducing Administrative Burden in Child Welfare* (May 2010).

²⁶ Raymond A. Lemay. "Our perverse reliance on prescribed standardized processes as proxies for quality in Ontario Children's Aid Societies: Towards the establishment of direct service and outcomes standards," *Children and Youth Services Review* 33 (2011), 605-611. p. 606.

It is not only the quantity of administrative requirements that generates the experience of ‘burden’ but their overall coherence. When directives conflict with each other, are duplicated, poorly designed, require the same information in different formats or are disproportionate to any perceived benefit, sustainability is compromised.

In the course of the Commission’s meetings with CASs, MCYS and unions, several specific requirements were identified as both particularly burdensome and of low value. These are the items that the Commission made a priority in its work on reducing administrative burdens:

- Modernizing the processes for tracking high risk protection cases;
- Streamlining and simplifying the reporting of Serious Occurrences in Child Welfare cases;
- Coordinating the Crown Ward file review with the licensing file review to have them completed together as one process — ideally, integrated as part of cyclical reviews;
- Implementing a risk-based approach to licensing, replacing annual licensing reviews;
- Streamlining *ad hoc* requests by the Ministry; and
- Removing data elements that are no longer used from the budget package.

Other substantial opportunities for reducing burden have also been identified including reducing the number of Standards in the Child Protection Standards and in the Foster Care Licensing Standards and reducing the mandatory requirements set out in the Children in Care Manual.

There are two sources of administrative burden: the introduction of new requirements and complying with existing ones. Managing the flow of new or changed requirements avoids adding undue burden to the stock already in place. This can be achieved by discontinuing some requirements and streamlining the processes associated with others. Early in its work, the Commission recommended the establishment of a process known as a “Gateway” to achieve these ends. The Gateway has been operating for approximately one year and there is evidence of measurable results. Within the next six months the impact on reduced administrative burden should be noticeable by the CASs. If the recommended review of standards and licensing requirements is undertaken there could be very significant gains in saving time to redirect to client services.

Other Areas Relating to Direct Services

From time to time over the course of its work, the Minister asked the Commission for advice on specific areas of interest. Two of these inquiries led the Commission to provide specific recommendations relating to improving direct service delivery.

The first of these areas related to the **Child Protection Information Network (CPIN)** that is now in the process of being developed. In 2009, CASs across the province were using seven

different information systems to support direct services and information needs. There was broad consensus that this approach had significant limitations and was compromising information quality, direct service and the efficiency with which information was captured and used. MCYS had proposed the implementation of a province-wide information system that would address these limitations and generate significant benefits and improvements at all levels of the system. The Commission recommended that government proceed with this multi-year investment. As noted elsewhere in this report, considerable work has been undertaken and CPIN, when fully implemented, has the potential to contribute to overall system sustainability.

Over the past several years, the government has made numerous commitments and changes to enable children and youth in the child welfare system to realize **permanency**. This was a major goal of the 2006 Transformation Agenda which focused on creating a range of avenues for permanency ranging from family reunification to legal custody to adoption to strengthening life-long relationships and connections. In 2009, the government received the report of the Expert Panel on Adoption and Infertility which provided additional advice relating to permanency for Crown Wards²⁷. In 2011, the legislature approved the government's proposed changes to the CFSA to remove some of the barriers to permanency and the ministry moved forward on its commitment to increase the availability of permanency subsidies. The Commission was asked for, and provided recommendations on, how changes to permanency subsidies should be implemented.

RECOMMENDATIONS AND FUTURE PRIORITIES

Improvements in direct service to children, youth and families will be highly reliant on continued implementation of changes described in all four tiers of the Commission's work. MCYS will need to press forward on several fronts to address and reduce barriers to fully realize the policy goals reflected in the CFSA and the Transformation Agenda.

An important challenge facing both MCYS and CAS boards will be to fully embrace the decision-making framework provided by the Commission's work on scope and accountability. MCYS must resist the temptation to pressure CASs into narrowing their services to only the "must have" services. CAS boards must engage both their organizations and their communities in solution-oriented discussions around the optimal mix and scope of services to fulfil their CFSA mandates within available resources.

In the area of out-of-home services for children and youth, stronger mechanisms are required for collaboration between CASs and the many providers of out-of-home care. These include: foster parents, kin parents, private agencies and the respective membership organizations representing these groups.²⁸ The OACAS and ANCFSAO are well-positioned to foster

²⁷ Expert Panel on Adoption and Infertility. Raising Expectations: Recommendations of the Expert Panel on Adoption and Infertility. Summer 2009.

²⁸ There are two membership organizations representing foster parents and two organizations representing private agencies (which provide both foster and group care). Membership in all four of these organizations is voluntary and the organizations are funded by membership dues and related fundraising. There are no organizations exclusively representing kinship parents.

conversations among the residential service providers to identify ways to improve out-of-home care.

The final and continuing challenge relating to strengthening direct service delivery relates to the resource requirements of the risk management and accountability mechanisms for child welfare. The Drummond Report recognized this as an inherent challenge in all public services noting that: “we believe that there are simply too many watchers at the expense of people who actually get things done.”²⁹ This has certainly been the case in child welfare. Recent progress by MCYS and CASs in reducing administrative burdens is encouraging and vigilance to continued progress in this area is critical to sustainable child welfare.

RECOMMENDATIONS

Clarifying the Scope of Child Welfare Services

[Submitted July 2012]

1. MCYS should take further steps to remove barriers to, and accelerate realization of, the policy direction set by the 2005 Child Welfare Transformation Agenda.
2. MCYS in collaboration with the sector should build on the Commission’s work to confirm and define the services that *must be* provided by every CAS in Ontario. These services should encompass direct child protection when maltreatment has occurred and proactive intervention when there is a likely risk of maltreatment.
3. CASs should map their current scope of services based on the Continuum for Child and Family Service Needs to provide a frame of reference for making immediate and future choices and decisions to maximize positive outcomes within available resources.
4. MCYS, with input from the sector, should critically examine the Eligibility Spectrum and other tools being used to determine thresholds for eligibility, for initiating and continuing ongoing services.
5. MCYS should commit to enhanced service integration between child welfare and other services for vulnerable children and families and promote structures and processes that lead to more coherent and effective child and family services in Ontario’s communities.

Strengthening Family-Based Care

[Submitted July 2012]

1. MCYS, with input from the sector, should establish five-year provincial targets against which to design strategies for change and to monitor progress. Targets

²⁹Commission on the Reform of Ontario’s Public Services (Feb 2012), “Public Services for Ontarians: A Path to Sustainability and excellence”, p. 74.

should be incorporated in the overall accountability framework and should address:

- The proportion of children and youth supported by CASs while remaining at home;
 - The proportion of days of care provided in family-based settings;
 - The proportion of children and youth in placements that are geographically in or close to their home community;
 - The proportion of all children in care who are in placements with kin;
 - The number of moves experienced by children in care.
2. Each CAS should set and agree on its agency’s local target with the MCYS. MCYS should aggregate the combined outcome of all CASs meeting their individual targets and adjust, as necessary, the associated provincial targets.
 3. The sector, working through OACAS, should incorporate the actions described in this report into its work plan for the Family-Based Care Project. This project should be designed to incorporate the active input of all stakeholders.
 4. MCYS should actively support the OACAS Family-Based Care Project and should take leadership on projects to address province-wide policies relating to family-based care.
 5. OACAS, with the active support of MCYS, should convene a dialogue between CASs and providers/provider associations of out-of-home care. The objective of this dialogue should be to determine an appropriate mechanism(s) for strengthening communications and priority setting relating to out-of-home care for children and youth.

Reducing Administrative Burden

[Submitted April, May 2010]

1. The Ministry should reduce the administrative burden in child welfare in order to improve direct services to children and families with the shortest possible delay.
2. The Ministry should set up a Gateway mechanism and identify the skills and capacity required to manage the administrative burden strategy as a whole including the Gateway.
3. The Ministry should work, where appropriate, with the broader public service to ensure that the child welfare program contributes to, and benefits from, the opportunities afforded by Ontario’s “Open for Business” initiative.
4. The Standard Cost Model should be adopted by MCYS to establish a baseline and set targets for reducing the administrative burden in child welfare. This project could be overseen by the Gateway Group, and completed three months following its processes that are appropriate for Aboriginal child welfare.

Information System for Child Welfare (CPIN)

[Submitted March 2010]

The Commission recommends that the Ministry proceed with CPIN implementation as currently proposed by staff.

Permanency Subsidies

[Submitted June 2011]

The Commission recommends that the Government:

1. Broaden the scope from adoption subsidies to permanency subsidies;
2. Transfer responsibility for administration of subsidies from CASs to the Ministry and ensure consistent application of provincial subsidy guidelines; and
3. Set aside funding for subsidies annually prior to finalizing funding allocations to individual CASs.

WHY ADVANCING ABORIGINAL APPROACHES MATTERS TO SUSTAINABILITY³⁰

Aboriginal children and youth are dramatically over-represented in the child welfare system. Despite representing only two to three percent of the province's child population, Aboriginal children account for approximately 15% of the children in care and an even greater proportion of Crown Wards. In some small, remote communities more than thirty percent of the children are in the care of CASs. While the non-Aboriginal child population in Ontario declined slightly during the 2001 to 2006 census period, the number of Aboriginal children grew by approximately 20%. This continuing demographic trend makes Aboriginal child welfare critical to any strategy for sustainability.

Note that throughout this document, the term Aboriginal refers to three distinct identities: First Nations, Métis, and Inuit. First Nations refers to both on-reserve and off-reserve people.

Child maltreatment and neglect are consequences of a wide range of conditions in Aboriginal communities that extend well beyond the scope of child welfare and the mandate of the Commission. Factors include economic, infrastructure, educational, health and other deficits in Aboriginal communities. These current challenges are, in many cases, symptoms of the inter-generational effects of non-Aboriginal government policies and actions. In particular, the forced assimilation policy associated with the Residential Schools and the subsequent "60's Scoop" devastated the cultural foundation and capacity to parent of many communities. Political decisions and commitments made in collaboration with Aboriginal leaders and cutting across program lines require governments at all levels to confront these issues.

As the number of Aboriginal children rapidly increases without resolution of the underlying conditions that lead to child maltreatment and neglect, the circumstances for Aboriginal children are worsening. The impact of these circumstances on both system costs and on the well-being of Aboriginal children and communities is presenting an ever-increasing challenge to the sustainability of Ontario's child welfare system. There is both a strong moral case and powerful sustainability argument for making a focus on Aboriginal child welfare a priority. Due to the extent of the needs, the sustainability of the sector as a whole is jeopardized if Aboriginal child welfare issues are not successfully addressed.

APPLYING THE SYSTEMS FRAMEWORK TO ABORIGINAL CHILD WELFARE

The Commission applied its analytic framework to assess the features and challenges facing Aboriginal child welfare and to identify what changes are warranted to better meet the needs

³⁰ Additional information on the Commission's work and recommendations relating to Aboriginal child welfare can be found on Commission website in the documents: *Aboriginal Child Welfare in Ontario: A Discussion Paper* (July 2011); and *Advancing Aboriginal Approaches to Child Welfare: Recommendations* (December 2011).

of Aboriginal children, youth and families. On each element of the framework the current system has significant deficiencies.

Culture

Culture and tradition are fundamental to the identity and well-being of Aboriginal children and their families. The Aboriginal world-view is holistic rather than fragmented and decisions are consensual rather than top/down. The goal is to attain and maintain balance not to isolate problems to solve. History is current and part of who Aboriginal people are today and the community as a whole (including elders, aunts, grandmothers and spiritual leaders) has an important place in the care and development of children.

Despite recent legislative changes and efforts by the Ministry of Children and Youth Services and CASs to be more responsive and effective, the child welfare program, built around a “Children’s Aid Society model” continues to fall well short of responding to the enormous challenges faced by Aboriginal children. The system is driven by non-Aboriginal perspectives and policy requirements that are difficult to reconcile with Aboriginal worldviews. The program is top-down, prescriptive and narrower in its focus relative to the relational worldview and inter-connectedness that characterizes Aboriginal child-care traditions and practices.

Despite similarities in their cultures and in some of their traditions, there is not one Aboriginal culture and there are three distinct Aboriginal identities: First Nations, Métis and Inuit. There are also important differences across the province’s 134 First Nations communities. Urban Aboriginal circumstances and needs are different as well – and for them the challenges of accessing culturally safe and appropriate services and retaining their home communities’ culture and language are enormous.

Governance

Designated Aboriginal CASs operate within a complex accountability context in which they are responsible to various authorities and must meet sometimes conflicting requirements. They are responsible to their Boards of Directors, to their Chiefs and Councils, to their Political Territorial Organizations (in an indirect way) and to the provincial government. The situation is further complicated by the relationship between the federal and provincial government in negotiating their respective roles in funding and delivering Aboriginal child welfare services.

Aboriginal leaders are concerned that MCYS and many CASs consider the primary obligation of Aboriginal CASs as compliance with the Ontario government’s requirements, disregarding the role and authority of Aboriginal governments. Not only has a top-down Euro-Canadian governance model been imposed on them but also traditional approaches to making decisions have been subordinated or ignored.

Policy

Legislative changes in the late 1990's broadened the definition of a child in need of protection to include neglect. This change disproportionately affected Aboriginal communities due to the high incidence of poverty, poor housing and other social needs. The related policy directives and standards and the processes for implementing them have compounded this situation.

The requirement to consult bands/communities and the recognition of customary care in the legislation signaled a more culturally sensitive approach to child welfare but results are poor and the spirit and intent are not yet fulfilled. Some requirements (e.g. for approving foster homes, conducting investigations) are neither culturally appropriate nor realistic in Aboriginal communities. The result is the opening of more cases, admissions to care and the placement of Aboriginal children in non-Aboriginal settings outside their communities.

The financial and service statistics show that the pattern of expenditures by Aboriginal agencies is inconsistent with the Transformation's policy goal of supporting and preserving families. On average, 66% of their budgets are spent on boarding rates and staff serving children in care (versus 50% for non-Aboriginal CASs) while only 16% is spent on non-residential services (versus 27% for non-Aboriginal CASs).

Configuration

There are seven designated Aboriginal CASs in Ontario. These CASs are the exclusive provider of services for Aboriginal children in some First Nations communities, particularly those in the far north. However, the majority of Aboriginal children reside in communities where there is no designated Aboriginal CAS.

In a number of communities, (especially those in remote, northern locations where the child welfare agency is sometimes the principal or only social service organization providing services) members of the community turn to the designated Aboriginal CAS for help because there is no other place to go. In light of the limited capacity of these communities, there is added pressure on these agencies to respond more flexibly and engage in a range of activities beyond core child welfare services. While this is also true for some non-Aboriginal agencies, the order of magnitude is greater for designated Aboriginal agencies.

Most Aboriginal CASs began as non-designated Aboriginal services organizations. In general, as Aboriginal agencies have become designated as CASs, the effort to meet provincial policy and requirements has resulted in the protection focus of their work becoming dominant. This shift comes at the expense of early intervention and the integrated model of service that these agencies aspire to and which would better meet the needs of their children and families.

There are examples in some parts of the province of good working relationships between non-Aboriginal CASs and the Aboriginal communities (and other local service agencies) to support the CAS to provide more culturally appropriate services. Often these arrangements are set down in formal protocol arrangements and/or purchase of service agreements. However,

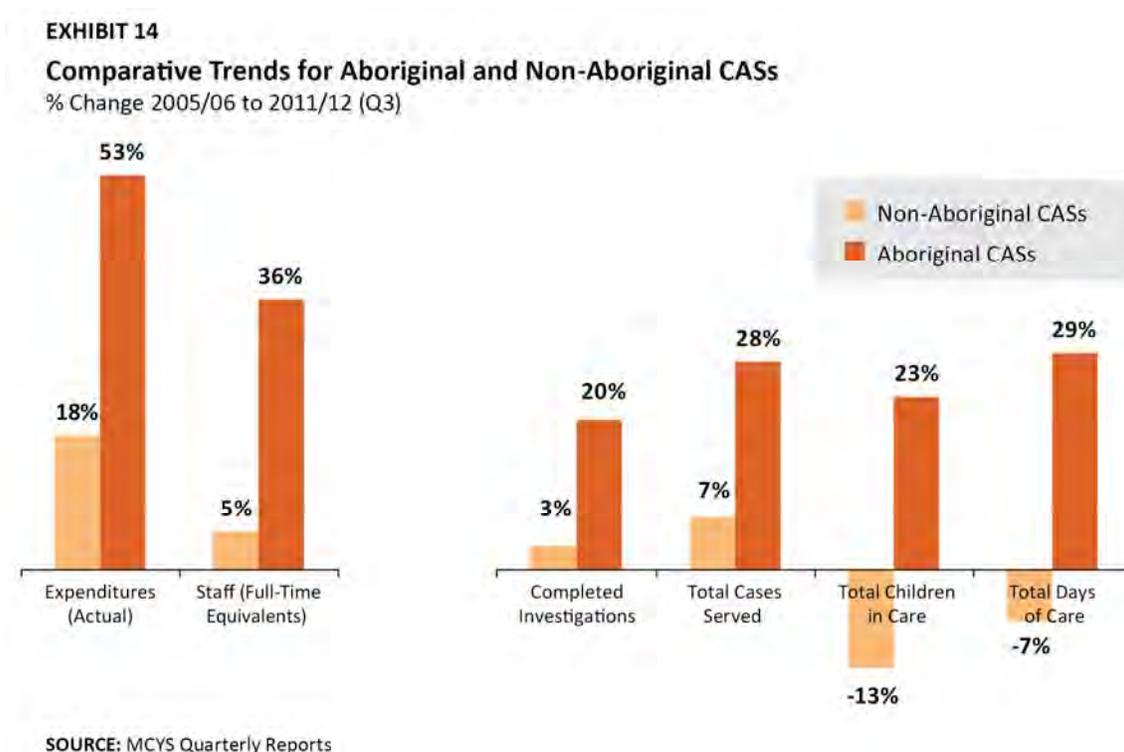
these are the exceptions. So long as non-Aboriginal CASs continue to serve Aboriginal children there is a need for collaboration with Aboriginal agencies for support to better deliver appropriate services (e.g. joint staff training, cultural awareness training, the use of customary care).

These local arrangements should not be seen as a province-wide solution to the challenges of increasing service demands, cultural appropriateness, funding constraint and the unique requirements associated with Aboriginal child welfare. A province-wide vision is required for how child welfare services should be configured to best serve Aboriginal children and families. The Aboriginal “sub-sector” needs to be reconfigured away from reliance on small, low-capacity Aboriginal CASs in a minority of communities around the province.

Funding Approach³¹

The current funding approach and levels of funding for Aboriginal CASs are based on the same model as non-Aboriginal CASs. This practice reinforces a CAS model of child welfare that has led to year-end adjustments every year, annual deficits, accumulating debt and a progressively narrower focus of services for these Aboriginal CASs on protection and children in care.

The growth and spending patterns for Aboriginal CASs over a six-year period is represented in Exhibit 14. It demonstrates that the continued escalation of service volumes, staff levels and spending observed by the Commission when it began its work in 2009 has continued.



³¹ The Commission’s analysis of and advice on funding designated Aboriginal CASs is described on the Commission website in the document: *Funding of Designated Aboriginal Children’s Aid Societies* (May 2012).

If the current CAS-based model (of services and of funding) continues, Aboriginal Child Welfare agencies will require steady and large increases in funding (contributing to a corresponding reduction in funding of non-Aboriginal CASs and even greater fiscal instability in the sector). There will be even greater over-representation of Aboriginal children in care placed far away from their communities and further degradation of the family and the parenting capacity of those communities will follow.

In response to these dynamics, the Commission developed and recommended a separate approach for allocating funds to designated Aboriginal CASs for implementation in the 2013/14 fiscal year and beyond.

In addition, the Commission has proposed that efforts be continued and accelerated to identify appropriate levels of funding by the federal government for prevention services and for Band representatives. The Commission has also urged attention to identifying the appropriate share of dollars from program envelopes *outside child welfare* to be distributed to Aboriginal communities based on the services they require.

Accountability and Performance Measurement

Aboriginal agencies, leaders and communities have many concerns about the current system of accountability and related mechanisms. The current accountability regime reinforces a Euro-Canadian model of child welfare that is designed to meet the objectives of a non-Aboriginal government. The inherent of Aboriginal people to care for their own children is largely disregarded and the current framework imposes inappropriate and unreasonable standards and policies on Aboriginal agencies. It also fails to recognize the realities of Aboriginal governance and authority structures, especially the accountability relationship between Aboriginal agencies and the First Nations they serve.



Aboriginal communities and their children are in a state of worsening crisis

- Aboriginal children are disproportionately represented in the child welfare system, the youth justice system; suicides, incarceration and unemployment rates surpass non-Aboriginals by five times
- Youth are 9 times more likely to become pregnant before age 18, less likely to complete high school, far more likely to live in poverty and suffer from emotional disorders and addictions



Their culture, language, traditions and identity have been seriously compromised

- The history of residential schools and the “sixties scoop” still impacts communities today
- Aboriginal CASs are criticized for not meeting standards that are often neither suitable nor practical



Recent policy changes to make child welfare more culturally appropriate are insufficient

- Aboriginal children in care often end up hundreds of kilometres from home
- In 2008—09, only 22% of crown wards were placed in Aboriginal homes

RECOMMENDATIONS AND FUTURE PRIORITIES

Socioeconomic and historical realities have resulted in extreme challenges faced by Aboriginal children and their families. Poor conditions in many First Nations communities and associated deficits in parenting capacity make meeting the needs of Aboriginal children very complex. While protecting and ensuring the well-being of these children rests with designated as well as non-Aboriginal CASs, rectifying many serious issues extends well beyond child welfare. Changes are required to the governance, funding, accountability and performance management framework and delivery of services to Aboriginal children, youth and families within the context of their communities.

There is a growing momentum to take the steps that are needed. Within the sector, both designated Aboriginal agencies and non-Aboriginal CASs are calling for improvements to Aboriginal child welfare and the two associations are working more collaboratively. The OACAS has established a director’s position and an advisory committee with responsibility for Aboriginal child welfare.

Work needs to begin on mapping out the fundamental changes needed in a strategy for Aboriginal child welfare. At the same time, the state of affairs for Aboriginal children in

Ontario demands that action be taken immediately on a number of short-term matters that will make the current delivery system more effective and efficient in serving Aboriginal children and their families.

RECOMMENDATIONS

Advancing Aboriginal Approaches to Child Welfare

[Submitted December 2011]

1. That an overall strategy for the Aboriginal child welfare sector be prepared to address the following broad, strategic issues:

The range of services to be offered by designated Aboriginal CASs;

Overall accountability framework (including governance issues);

The potential for developing Aboriginal Child Welfare Authorities or other structures and the basis for determining the number and location of designated Aboriginal CASs;

The respective roles and relationships of designated Aboriginal CASs, Aboriginal prevention agencies, other Aboriginal community service organizations and mainstream CASs;

Issues of scale and size in the configuration of Aboriginal child welfare services;

Increasing the capacity of First Nation communities to meet their responsibilities in regards to child welfare; and

Examining long-term funding policies and approach for Aboriginal child welfare.

2. That action be taken in the near term on key priorities that support efficiency and enhance service delivery. These opportunities include:

Greater collaboration and increased use of shared services to support efficiency and enhance service delivery;

Greater use of service agreements between mainstream CASs and designated Aboriginal CASs;

More use of protocol agreements between mainstream CASs and First Nations communities and their agencies; and

Identify and make the necessary exemptions (under Section 214 (1) or Section 214 (5) (a) of the CFSA), or modify, or clarify the interpretation of those provisions, regulations, policies, and directives that are impractical or inappropriate for Aboriginal child welfare.

3. The Ministry, in consultation with the sector, identify and remove barriers to the

use of customary care so that customary care can be the preferred option for out-of-home placement of First Nations' children. Foster care and adoption placements involving Society wardship or Crown Wardship status should be considered only when customary care is unavailable or does not serve the child's best interests.

4. The Ministry support and endorse an approach to accountability and performance improvement for all CASs that serves Aboriginal children and which includes distinct outcomes and performance indicators and other components such as monitoring mechanisms and review processes that are appropriate for Aboriginal child welfare.
5. The Ministry establish a distinct funding approach for designated Aboriginal CASs by 2013/14.
6. That a single focus of responsibility for Aboriginal services, including but not limited to child welfare, be established within MCYS by February 2012.

[*****New Recommendation***** submitted with this Final Report, September 2012]

7. Leaders from urban Aboriginal communities and organizations serving Aboriginal children and families in those communities should be involved in developing the strategy for Aboriginal child welfare proposed in recommendation #1 and in preparing plans to address tactical and short-term issues, referred to in recommendation #2. In addition, leaders of organizations serving urban First Nations, Métis and Inuit children and families should meet at least twice each year to identify priority issues and potential solutions that they can implement together.

Separate Funding Approach for Designated Aboriginal Agencies

[Submitted August 2012]

1. The principles previously recommended for funding non-Aboriginal CASs should be adopted; and, in addition, a "Save Harmless Principle" should be applied when determining the funding allocations to designated Aboriginal CASs.
2. A separate sub-envelope should be identified for distribution to designated Aboriginal CASs. The size of the sub-envelope should reflect the rapid increase in the Aboriginal child population, the different needs of Aboriginal children and families and the different nature of the work of Aboriginal CASs.
3. The sub-envelope for Designated Aboriginal CASs should be distributed according to a model that:
 - Apportions "fixed costs" for administration and infrastructure based on historical patterns;
 - Allocates at least 85% of the dollars to variable costs based on child population, the number of First Nations served, geography, household

- size and service volumes; and
- Provides for post-formula adjustments including targeting a portion of each agency's funding to support the use of customary care and family preservation services.

WHY BROADER INTEGRATION MATTERS TO SUSTAINABILITY

Families and children receiving child welfare services often face many challenges in addition to the abuse and neglect that brought them to the attention of the CAS. Frequently, while child welfare agencies are responding to protection issues, children also need timely, well-coordinated health services, income support, housing, remedial education or other services. Child welfare agencies alone cannot meet these varied needs – nor should they try to do so. The gaps and fragmentation that characterize the array of social and human services organizations in many communities in Ontario today create barriers to access early support and the services children and families actually need. This fragmentation makes it difficult for them to navigate through the system.

Integration of a comprehensive range of services provides better and earlier access to support that can prevent family problems from escalating and reduces the risk of child maltreatment. Therefore, increasing the level of integration across services can reduce the need for child protection intervention and the frequency with which children need to be removed from their home and thus improve the sustainability of the system as a whole.

There is also a powerful economic argument for targeting tailored, early, intensive, coordinated support for families with multiple problems. Non-integrated models result in wasted resources due to delay in providing early support, multiple assessments, duplication and overlapping administrative processes which all lead to suboptimal results. Studies in England examining the two per cent of families with multiple, complex needs have found that combined annual costs for delivering non-integrated services to these families can reach \$500,000 (CAN). As part of its “Every Child Matters” policy, England established an integrated initiative through central and local government programs to target the most vulnerable families and reduce inter-generational cycles of poverty, crime, health problems and child abuse and neglect. The estimated annual costs of these integrated and targeted programs range from \$20,000 to \$30,000 per family, representing a far more effective and efficient intervention than a non-integrated approach.³²

STRATEGIES TO INCREASE INTEGRATION

Over the course of its work and through prior experience, the Commission has identified a number of strategies that can be used to advance the level of cross-sector integration. Some of these strategies are already being used in child welfare in parts of Ontario. Others are being used in other sectors in Ontario. Some are being used in other jurisdictions. A combination of

³² UK Social Exclusion Task Force, Reaching Out: Think Family. Analysis and Themes from the Families at Risk Review., Cabinet Office. 2008.

strategies will need to be employed to effectively realize increased integration between child welfare and other sectors.

Provincial Strategy for Children and Youth

Consistent with themes discussed in the accountability section of this report, clear policy direction is essential to guide better integration of the continuum of children’s services and to identify overarching goals for better outcomes. As part of its accountability work, the Commission has recommended that Ontario commit to the development of a provincial strategy for children and youth. “Ontario’s Youth Action Plan”, announced in August 2012, included a commitment to begin work on “a province-wide long-term Youth Strategy that aligns programs and supports for young people around a common set of outcomes”. The same fundamentals apply to the merit of a strategy for all children and youth in the province.

It can be done. England is often cited as an example. In 2002, England introduced “Every Child Matters”. This broad-based policy committed all of central and local government to delivering five overarching outcomes: being healthy; staying safe; enjoying and achieving; making a positive contribution and achieving economic well-being. Its aim is to achieve these outcomes for all children and to narrow the gap in outcomes between those who do well and those who do not. The visual depiction of the five over-arching goals of Every Child Matters is shown in Exhibit 15.

Exhibit 15
The Five Goals of England’s “Every Child Matters” Initiative



The MCYS *Realizing Potential Strategic Framework for 2008 to 2012* represented an initial step in the direction of a provincial strategy for children and youth. The *Realizing Potential* framework set out broad a vision and aspirations. The Commission urges MCYS and the government to build on this initial step and develop a children’s strategy for the coming years which sets out concrete specifics on how the overall aspirations can be achieved and how they will be measured.

Leadership for Change

Leadership is an essential element in bringing about more integrated development and delivery of children's services. Leadership can be provided by designating 'lead officers' of children's services both at the provincial government level and the local community level. For example, the Minister of Children and Youth Services or his Deputy Minister could be appointed with responsibilities for championing children's services across government.

Similarly, at the local community level, individuals with lead responsibility for all children's services could be given statutory responsibility and held accountable for the duties devolved to them – developing a local children's services continuum for their community, delivering joint strategies and plans and establish processes for aligning services. This designated statutory officer could be from any agency serving children and they would remain employed by their home organization but would be accountable to the government for their leadership role in ensuring the local integration of children's services and delivery of the Ontario Strategy for Children.

Training and development will also be required to encourage a range of professionals to view the needs of children more holistically, not just through the narrow lens of an individual sector like the 'offender' as seen by youth justice, the 'pupil' as seen by education, the 'patient' as seen by health care or the 'client' seen by mental health. A cultural shift in professional thinking and approach is necessary to focus on the whole child in need of help, regardless of the point where the individual accesses the system.

Funding Support

The approach to funding individual sectors and programs can result in barriers or enablers to broader integration, increased coordinated planning and delivery. Funding policies should encourage cross-program and cross-sector alignment of plans and priorities for children's services.

One strategy is to increase support that is directed to cross-sector projects and programs that bring together key players in children's services (schools, health care, youth justice services, CASs) with the aim of providing services that are more comprehensive in meeting the needs of children. The goal should be to harness the resources of 'mainstream' universal programs to ensure they are targeted to support the most vulnerable children who otherwise become the responsibility of child protection services.

Funding mechanisms could also allow for children's services agencies to combine their funding resources to respond to shared challenges and priorities or support individual children. Innovative funding approaches are necessary to overcome silos and obstacles to bringing children services together to better meet the full range of needs of vulnerable children and youth.

Process changes

Greater integration of child services can be achieved through designing, managing and implementing integrated processes that support better planning, priority-setting, needs assessment, evaluation, knowledge development and accountability.

In practical terms, processes to manage children's services would need to be developed that cut across government ministries and program boundaries (i.e. schools, training, health, child care, child welfare). The approach would need to extend to the local level across communities and a range of agencies and services. It should reach down to the child welfare agency level and cut across teams right down to the level of responding to the needs and delivering services to individual children. The use of a common assessment framework and integrated treatment plans that wrap services around the child are two mechanisms that have been demonstrated to successfully realize these kind of on-the-ground process changes.

Structural Changes

Structural change is often the toughest change to make and may encounter the greatest resistance but there are a number of structural changes that could produce better integration and child-focused services. It is important to underscore, however, that reorganizing agencies and government ministries is not the only way to further the goal of integration.

Structural change can be undertaken at various levels. At the provincial government level the creation of MCYS itself was an effort to bring together programs and functions from a number of Ministries to achieve greater policy coherence, efficiency and effectiveness. Conceptually at least, the scope of MCYS could be broadened further with the added responsibility for overseeing that the full range of children's needs are being met.

There are also different possibilities for structural integration at the local level. Within CASs, there are more or less integrated 'child-focused' structures – with some CASs having structures that transfer responsibility for children from one team to another at different stages of the case management, specialist teams for different parts of the family or resource, etc. These should be examined for their alignment with providing continuity and holistic care and support.

Children's trusts are an approach that has been taken in some jurisdictions. This approach establishes organizations that have local governance and accountability that transcends a range of children services without altering the existing agency structures.

The 2008 report on Early Learning in Ontario³³ cited examples from Saskatchewan, Australia and the United Kingdom where existing children's programs have been structurally consolidated into hubs for family and children's services. The report went on to recommend that schools could be positioned to play this role in Ontario. This is another structural option that should be considered.

³³ Charles E. Pascal. With our Best Future in Mind: Report to the Premier by the Special Advisor on Early Learning. June 2009.

Past and Current Examples of Integration Initiatives

There are a number of local and regional examples of organizations developing integration initiatives to better respond to community needs. A few examples are offered here.

Ontario has had success with the multi-service agency model where it has been adopted. Multi-service agencies (MSAs) vary from community to community but their range of services includes mental health, child protection, youth justice, health services, family violence prevention and developmental services. These agencies offer a single door of access for children and families in need. The policy direction in Ontario to create multi-service agencies was introduced in the late 1990s under the banner of *Making Services Work for People*. There are now 15 MSAs across Ontario and they have reported significant improvements in working collaboratively, reducing service duplication and shortening wait lists for services such as children's mental health. Staff in these agencies that had previous experience in sector-specific agencies have indicated that, in the MSA environment, they have a better understanding of their roles, are more productive and can more effectively manage individual cases. Ontario would benefit from regaining the momentum to develop more multi-service agencies particularly in communities where small agencies, including CASs, are struggling to effectively serve the needs of their clients. The challenges of small scale affect not only CASs but organizations from other sectors as well.

A range of agencies including the CAS, a local hospital, a youth justice agency and a mental health service provider in the City of Ottawa came together to form the Children and Youth Mental Health Network in order to plan and serve high needs clients. This partnership allows for a common assessment, case coordination and greater flexibility in the delivery of services.

The Simcoe County Child Youth and Family Coalition is a strategic planning and collaboration body that has worked for over a decade to establish and implement common strategies and approaches to services to children and families. Cutting across program lines, agencies, ministries and levels of government they have developed and implemented joint planning initiatives, assessment tools and services and have supported their member organizations to maximize the impact of their services.

Integrated Services for Northern Children is an example of a regional joint initiative that involves four provincial ministries including MCYS, to meet the unique needs of children in the communities surrounding Thunder Bay. A team of case managers act as a single point of access which refers clients to an interdisciplinary team who travel regularly to northern sites to provide assessment, consultation and some treatment.

Local and regional examples of coordination of children's services can provide a foundation on which to build a more expansive province-wide approach to integrating children services in Ontario.

RECOMMENDATIONS AND FUTURE PRIORITIES

The Commission urges the government and MCYS to take further steps towards enhanced service integration between child welfare and other children's services and introduce the structures and processes that will lead to a more coherent and effective continuum of family and children's services in Ontario's communities. In the preceding sections of this report, the Commission has included a number of recommendations for some of the steps MCYS could take to realize this greater level of integration. These include:

- An examination of opportunities for cross-sector amalgamations in communities where CASs are serving child populations of less than 25,000;
- The development of an Ontario Strategy for Children's Services and establishment of associated accountabilities and supports;
- The development of Local Children's Services Strategies; and
- The establishment of a single locus of responsibility within MCYS encompassing all services to Aboriginal children and families.

Integration of children's services is key to sustainability; it is not a distraction or a luxury 'nice-to-have'. It is an important strategic objective for effectively meeting the full range of service needs of vulnerable children and their families in a timely and efficient manner consistent with the sustainability strategy. Better integration will provide greater value for money, support better outcomes and contribute, not only to the sustainability of child welfare, but also to the sustainability of all services for Ontario's children and families.

Chapter IV

ADVICE ON THE CHILD AND FAMILY SERVICES ACT

CONTEXT FOR EXAMINING THE CHILD AND FAMILY SERVICES ACT

The Commission's Frame of Reference

As a matter of completeness, the Commission considered its advice and recommendations against the requirements of the *Child and Family Services Act* (CFSA). In general, the Commission concluded that *most of its recommendations and advice for sustainable child welfare can be implemented within the current provisions of the CFSA*. However, attention is warranted to certain provisions when the Act is next reviewed. In addition, there are a number of policy directives and standards that, either because of their intent or their interpretation, should be addressed and do not require amendments to the Act itself.

The observations and further recommendations offered in this chapter are not legal opinions. Rather, this chapter provides perspectives in the context of the Commission's mandate to recommend changes to promote sustainable child welfare.

The Child and Family Services Act (CFSA)

The *CFSA* provides the legislative context for many of Ontario's services to children including child welfare. First passed in 1984, the *CFSA* underwent significant amendments in 2000 and again in 2006. Section 224 of the Act requires that it be reviewed periodically. The next review is scheduled for 2015.

Although the *CFSA* is often thought of as exclusively addressing child welfare, its scope is actually much broader. Child welfare is one of six services provided for by the *CFSA* and its Regulations, the others being: child development services; child treatment services; community support services; youth justice services; and child and family intervention services.

Section 1 of the *CFSA* sets out the paramount purpose of the Act: *to promote the best interests, protection and well-being of children*. As noted earlier in this report, the policy orientation set by the *CFSA* strikes the right balance for sustainable child welfare. It includes among its additional purposes: supporting the autonomy and integrity of families; using the least disruptive course of action; promoting continuity and stable relationships; emphasizing early assessment; and respecting cultural, developmental and other differences in children.

AREAS FOR CONSIDERATION

Definition of Services and Functions

There are several provisions in the CFSA that set out what is expected, permitted or required of CASs:

- Section 3 of the CFSA defines “service” and lists the categories of service, one of which is “a child welfare service”;
- The same section provides a more detailed definition of a “child welfare service” by identifying four general headings of service;
- This section also identifies five categories of “service providers”, one of which is a “society”;
- Under Section 8, the Minister may make arrangements “with an agency”, (including, but not limited to a CAS), to provide services; and
- Subsection 15 (3) of the Act describes the seven “functions” of a “society” thereby setting out the intended purpose or duties of a “society” which in turn are fulfilled by providing child welfare services.

The Minister has the discretion to designate an approved agency as a “society” for some or all of the functions of a society. The Minister may also make arrangements with such an agency to provide “services” including, but not limited to, “child welfare” services. As such, the CFSA provides the flexibility for the integration of a number of services that are associated with a number of programs in a single agency.

The CFSA’s authors foresaw circumstances in which its provisions or regulations might be inappropriate or impractical for an agency or a class of agencies and they therefore included certain “exemption provisions” in the Act. For example, under Subsection 214(5) (a) the Minister may make regulations to exempt societies from any standards, procedures and practices that are prescribed for a CAS in performing the functions of a society. Other provisions (subsections 214 (1) 6 and 223 (a)) allow the Lieutenant Governor in Council to make regulations making exemptions from the provisions of the Act and its regulations in particular circumstances and/or for specified periods of time.

With so many sections of the Act defining the parameters within which CASs operate, and given the flexibility that is permitted under the Act, not surprisingly different interpretations and confusion arise over what is expected or required of CASs within the dollars they receive from the child welfare funding envelope. The time and energy that are deflected into longstanding debates over scope and the meaning of core services should be redirected back into the business of serving children and families.

The Commission has concluded that the flexibility of the CFSA is one of its strengths. However, the Commission has provided recommendations encouraging the Ministry to more clearly articulate what it expects and what it is prepared to fund. It has also recommended a process

and tools through which CASs can map and confirm the services they will provide in their particular communities.

Professional Practice

While the government should imbed its overarching policy directions in the statute in order to be as clear as possible about its expectations, it should avoid prescribing professional practice in the Act. The government should “steer, not row” and should have limited involvement in the management and delivery of service on individual cases. In executing their respective roles in governance and accountability, CAS management and boards should bear the responsibility and the risks associated with the practices and judgments of their staff.

There are some provisions of the CFSA that impinge on professional practice. For example, Section 20.1 gives a Director the authority “to issue directives to one or more societies, “including directives respecting their provision of services ...” without limiting the nature of those directives. The consequence has been that some directives such as those associated with the Child Protection Standards and the licensing requirements have become highly prescriptive of the practices of CASs. This can work against sustainability by contributing to excessive administrative burden, undermining professional judgment and creating cultures focused more on compliance to standards than on continuous learning and improvement.

During the next regular review of the CFSA, the Ministry should identify those provisions of the Act that lead it to be involved more than necessary in professional practice and, where warranted, consider amendments to the Act.

In the interim, the Ministry should not delay reviewing and, where warranted, revising standards and policy directives. The fewest possible standards and directives necessary for the well-being of children should be in effect while those that are out-of-date should be discontinued. Those that are in effect should be monitored and enforced in the most expeditious and coherent way. Recently, file reviews associated with the Crown Ward Review and foster care licensing have been streamlined with positive results and the work of the Gateway Committee is beginning to yield results. This work should continue and, as previously recommended, the Ministry should review and revise the licensing requirements, the child in care manual and protection standards while streamlining the associated processes.

Crown Ward Reviews

Section 66 of the CFSA requires an annual review of the status of every child or youth who has been a Crown Ward throughout the immediately preceding twenty-four months. This requirement has given rise to an MCYS-led process referred to as Crown Ward Reviews which is conducted every year. It involves every CAS and includes extensive reviews of files, interviews with Crown Wards and the issuing of directives and recommendations to the agencies. Section 66 (2) authorizes the Ministry to direct the society to commence a status review in regards to a Crown Ward “or give any other direction that, in the Director’s opinion, is in the child’s best

interests” (emphasis added). The words in italics have led to Crown Ward reviewers issuing many case-specific directives through which the Ministry becomes very involved in individual case management decisions.

CASs have expressed a number of concerns with the current process relating to: the overlaps with case management responsibilities; the significant administrative demands the reviews place on agencies and on front-line staff; the lack of timely feedback; and the intrusiveness in the lives of children and youth. Youth and former youth-in-care have also expressed concerns about how being interviewed by strangers feels intrusive and adds to their sense of being different from their peers. Recently, the Ministry has taken steps to address this situation by streamlining the process, reducing the number of recommendations relating to individual cases and improving the timeliness for reporting back results to individual CASs.

While the Commission recognizes the province’s need for oversight of children under its care and particularly Crown Wards, the value of Crown Ward Reviews is seriously diminished because its province-wide report is not being published in a regular and timely manner. The report should be published as soon as possible following completion of the review so that the government, the public and CASs know how these children are doing and so that both CASs and the Ministry can make use of the findings for continuous improvement.

The merit of conducting the Crown Ward Review every year should be examined as part of the next regular review of the CFSA and either reaffirmed or reconsidered. The Crown Ward Review process would be strengthened if it were more focused on the system rather than on details of practice on individual cases. Eventually, the Crown Ward Review process should be incorporated into the new accountability framework and included as part of the cyclical agency reviews recommended by the Commission. This change would enable the Crown Ward Reviews to more fully contribute to a culture of continuous adaptation and improvement across the system.

Modernizing Tracking of High Risk Cases

Section 75 of the CFSA sets out the requirement for a provincial “Child Abuse Register” to provide a record of children who have previously come to the attention of the CAS as victims of abuse as well as “alleged perpetrators” of child maltreatment where that allegation has been verified by a CAS.

A province-wide information sharing system for all Ontario Children’s Aid Societies, the Child Protection Information Network (CPIN), will incorporate the functionality of the Child Abuse Register, and will make it redundant. The relevant sections of the Act were repealed in 1999, but the amendment was never proclaimed. The Commission recommends retiring the Register at the earliest possible date.

Part X: Indian and Native Child and Family Services

Section 2 (5) of the CFSA states *“that Indian and native people should be entitled to provide, wherever possible, their own child and family services, and that all services to Indian and native children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family”*. Part X outlines specific provisions for *“Indian and Native Child and Family Services”*.

The changes that the Commission is recommending for Aboriginal child welfare do not require amendments to the CFSA in general or to Part X specifically. The use of exemptions and using the provisions of Part X would allow their implementation. However, a number of matters merit attention.

Part X is intended to apply to *a range of services* for Aboriginal children and families, not exclusively to child welfare. Under Subsection 211 (1) *“a band or native community may designate a body as an Indian or native child and family services authority”* and the Minister may negotiate with such an authority for the provision of services and, as well, designate that authority, with its consent, as *“a society”*. In fact, Section 210 allows the Minister to *“make agreements with Bands and native communities and any other parties whom the Bands or native communities choose to involve for the provision of services.”* The Ministry should reinforce to its staff and to the CASs that Part X is not limited to only child welfare and designated *“societies”* but is of relevance to the range of services and providers of services provided for under the Act, for First Nations, Métis and Inuit children and families.

In referring to the three Aboriginal identities (First Nations, Métis and Inuit) the CFSA limits itself to two terms: *“Indian”* and *“native person.”* Section 3 of the CFSA defines a *“native person”* as *“a person who is a member of a native community but is not a member of a band and “Indian” as having the same meaning as in the Indian Act (Canada).* Consequently, according to both the Métis Nation of Ontario and CASs themselves, even when Aboriginal identity is acknowledged, Métis as a distinct culture or identity is not recognized. MCYS, in its Report on the 2010 Review of the CFSA reported that outdated language had been identified as an issue and noted that there had been calls for amendments to correct certain terms including the term *“native”*.

As part of the 2015 CFSA review of the Act, the language of the CFSA should be amended to replace outdated and imprecise terms that refer to Aboriginal children and families and, more specifically, to recognize First Nations, Métis and Inuit as the three Aboriginal identities.

Section 208 of Part X defines *“customary care”* as the care and supervision of an Indian or native child by a person who is not the child’s parent according to the custom of the child’s Band or native community”. Customary care is not foster care, adoption or kinship care and the Act does not require that the child be placed in the care of a CAS. Moreover, Section 212

permits a society or agency to subsidize a customary care arrangement but does not stipulate that the child must be in the care of the CAS or agency in order to do so. The Commission, in its work on Aboriginal child welfare, has recommended focused attention to customary care.

Qualifications of Local Directors

Section 16 of the CFSA requires that every CAS “appoint a local director with the prescribed qualifications, powers and duties.” Section 29 of Regulation 70, articulates specific social work qualifications for the Local Director role. In light of the duties of a “local director”, social work education and experience are very important. However, since most CASs typically appoint their Executive Directors as their Local Directors, over time, an impression has been created that the Executive Director of a CAS must be a social worker who meets the qualifications in Regulation 70. In fact, CFSA and Regulation 70 do not stipulate the qualifications of Executive Directors. Therefore, a CAS can appoint another staff person with the prescribed social work qualifications (e.g. the Director of Services) as the “Local Director” as some CASs have done.

The Ministry and the OACAS should reinforce the range of skills and experience that are desirable for executive directors and local directors and should ensure that all CASs are aware of the fact that Section 16 of the CFSA and Section 29 of Regulation 70 apply to “Local Director” appointments and not specifically to Executive Directors.

Board Liability

CASs are independent non-share capital corporations managed by volunteer boards of directors. Each CAS board must ensure that its agency is fulfilling its mandatory service requirements and fulfilling its financial responsibilities. Board members make decisions on a range of critical matters and are exposed to risk of liability should their agency fail to satisfy its obligations or face allegations of harm to children and families.

Subsection 15 (6) of the CFSA affords protection to officers and employees of CASs against legal actions that may be instituted against them arising from execution of their duties. However, the Act does not extend that protection to board members. It is noted that other comparable statutes (e.g. the Public Hospitals Act and Police Services Act) provide explicit protection for members of boards.

CASs give some level of protection from liability to their board members through specific by-laws and internal policies and all CASs are encouraged to ensure that sufficient orientation, training and support is provided to their board members. CASs can also afford their board members with protection through provisions for director and officer liability in their insurance policies. However, according to CASs, the absence of legislated protection for board members often makes it difficult for them to recruit and retain board members who are skilled in governance.

The Commission recommends that during the next CFSA review, amendments be made to provide to the members of CAS Boards of Directors the same protections afforded to their employees by inserting the words “a board member” in Subsection 15 (6).

RECOMMENDATIONS

[*** *New Recommendations* *** submitted with this Final Report, September 2012]

During the next review of the CFSA:

1. Those provisions of the Act that lead to undue intervention by the Ministry in professional practice should be identified and, where warranted, amended;
2. Consideration should be given to reducing the frequency of Crown Ward Reviews to every 24 months;
3. As the work on Child Protection Information Network (CPIN) incorporates the functionality of the Child Abuse Register Sections 75 and 76 of the CFSA should be repealed;
4. Language should be amended to replace outdated and imprecise terms that refer to Aboriginal children and families and, more specifically, to recognize First Nations, Métis and Inuit as the three Aboriginal identities; and
5. The Act should be amended to provide to the members of CAS Boards of Directors the same protections afforded to their employees.

Chapter V

MANAGING CHANGE

Change is not new to the child welfare sector. Agencies have responded and adapted to the legislative changes of the late 1990s and new policy directions arising from the Transformation Agenda introduced in 2006, and have shown a remarkable level of cooperation and participation throughout the Commission's term.

Implementing the sustainability strategy requires a sustained, well-managed and collaborative effort. The kind of change envisioned will not be achieved by issuing directives or publishing plans. A dynamic and people-oriented process will be essential in order to build a child welfare system that is constantly adapting to change, maximizing positive outcomes for children and youth and balancing current and future needs.

Success will require the involvement of key players from different parts of the system:

- Minister of Children and Youth Services to provide political leadership;
- Ministry of Children and Youth Services as managers of the system;
- Children's Aid Societies as the deliverers of services;
- Ontario Association of Children's Aid Societies and Association of Native Child and Family Services Agencies as the strategic links and support to the agencies, and
- Local community partners to collaborate with child welfare agencies.

The change process should draw on the proven success factors for effective change management, including:

- Committed and consistent leadership;
- Harnessing the commitment to children and youth that motivates everyone involved in the child welfare system;
- Recognizing that change is never easy and actively addressing the associated anxiety and possible resistance to change;
- Getting the right people in the right place doing the right job, and
- Disciplined project management to create a critical path, sequence the change elements, manage interdependencies and mitigate risks.

The change envisioned is substantial, but it is doable. It will be challenging, but the changes are essential. The moment is right, and the consequences of not making these changes are significant.

The various components of the strategy proposed by the Commission are interdependent. For example, introducing a new approach to funding CASs without also introducing a new approach to accountability and systems management will not yield the desired results. Picking and choosing from the Commission's list of recommendations will not bring about the

comprehensive change required to enhance the sustainability of the sector. The change process will need to be managed well so that the impact is not one of several discrete tasks, but rather a coherent resetting of the entire child welfare system.

The Ministry, in particular, has a critical role to play: making timely decisions about key elements of the strategy; leading and supporting the change across government and in communities; and building an effective partnership with the sector. It may be necessary to establish a dedicated entity responsible for overall project management of the change process and reporting to the Deputy Minister.

In the immediate term, critical and high-level decisions need to be taken about strategy, service configuration, structure and interdependencies. The following are some of the key strategic questions and decisions that should be addressed, so that there is system-wide clarity on the direction of change:

Structure – Will there be more amalgamated agencies? What will be the structure and role of the regional offices?

Scope – Will actions be taken to clarify the scope of the services provided by CASs, and if so, when?

Policy direction – What will be the priorities and associated targets for strengthening prevention, permanency and preparedness as part of the Transformation Agenda?

Resource allocation – What will be the new funding allocation approach and formula? How will it be implemented and over what period of time?

Following on decisions about the Commission's recommendations and advice, MCYS will need to provide the continued momentum, direction and support to the change process, beginning with confirming a roadmap and milestones which will guide the work from here forward. The OACAS, ANCFSAO and CASs should actively contribute to informing this roadmap and integrating it into their priorities. The net result should be a shared multi-year sustainability plan to which all parties have committed. This work plan should break down the various components of the strategy into manageable pieces with clear leadership accountability, milestones and project plans.

The Commission recognizes that the sequencing and timing of the actions identified in the roadmap will be contingent on other priorities and the capacity of the Ministry and the sector. However, as a starting point for the development of a shared multi-year plan, the Commission has proposed the staging of key elements of the strategy (Exhibit 16).

The Commission recommends that a report of the child welfare system's progress towards sustainability be undertaken and published in September 2015.

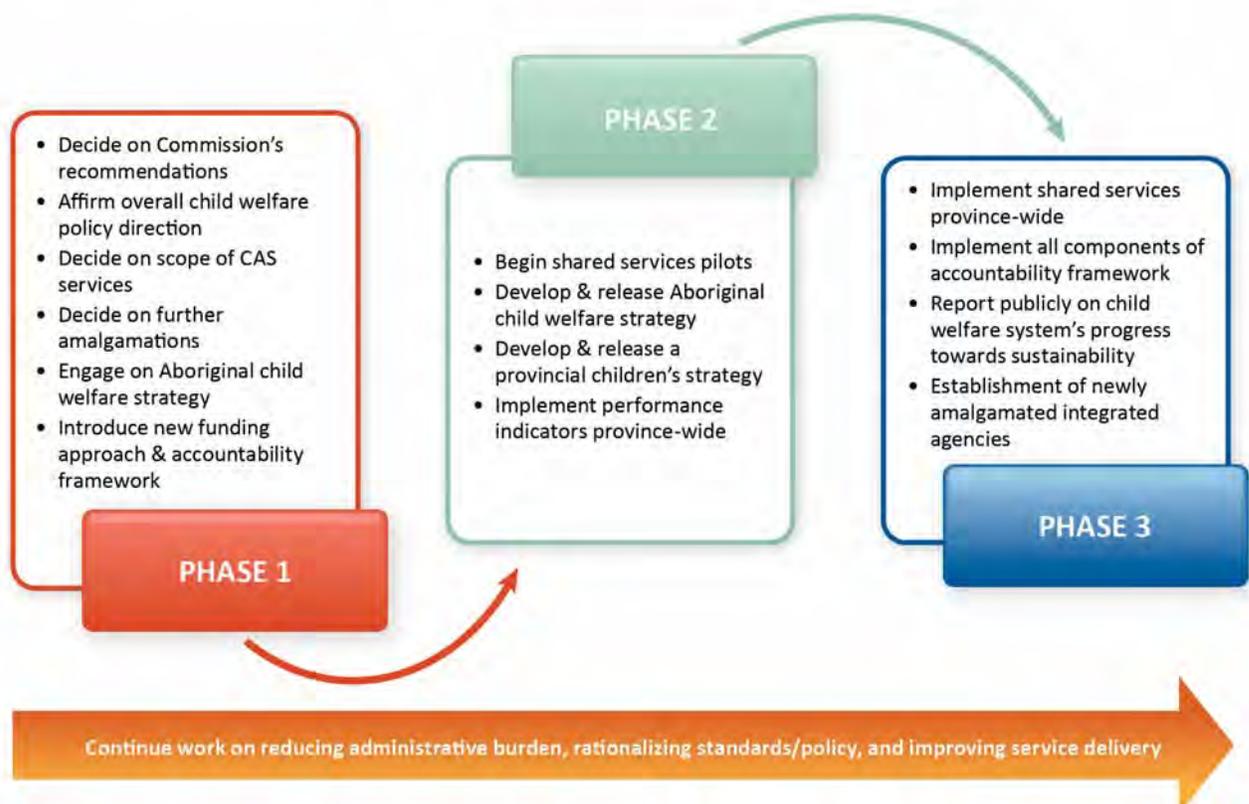
RECOMMENDATION

[*** **New Recommendation** *** submitted with this Final Report, September 2012]

1. MCYS, with input from the sector, should complete and make public a report of the child welfare system's progress towards sustainability in September 2015. This report should review progress and results against the priorities, targets and milestones established in the multi-year implementation plan.

EXHIBIT 16

Proposed Critical Path for Staging the Sustainability Strategy



Chapter VI IN CLOSING

The most important test of the sustainability of the child welfare system is whether it effectively serves vulnerable children and families within the resources available. The sustainability strategy presented in this report is ultimately about making the current and future lives of vulnerable children and families in Ontario better. This must continue to be the compass that guides all players as the government, in collaboration with the sector, moves forward in strengthening child welfare in the province.

Looking back and looking forward, the Commission sees much reason for optimism.

The Commission began its mandate during a pivotal and difficult juncture in Ontario's child welfare sector. The provincial government was not fully confident that the investment in child welfare was delivering full value for money and achieving the desired outcomes for children and youth. CASs were experiencing frustration over increasing compliance demands from MCYS, they felt burdened by increased administrative requirements and the ongoing financial viability of some of the agencies faced with successive year-end shortfalls, was in jeopardy. Dialogue within the sector and between the Ministry and CASs was dominated by discussions around money and spending instead of children and outcomes.

As it wraps up its mandate, the Commission sees a very different landscape in child welfare. In some respects the challenge to achieve sustainability seems more urgent now than it did in 2009 as the economic downturn has been prolonged and deep and constraint on government spending will continue for the foreseeable future. Yet, the sector has changed for the better.

The Commission has seen the OACAS embrace a stronger leadership role within the sector. OACAS, ANCFSAO and the Ministry have developed a greater understanding that the three of them need to work together to meet the challenges in the sector for the benefit of children and families. The various players in the sector are more unified, more outward-looking and more solution-oriented than they were three years ago. Stakeholders that previously seldom sat down at the same table are now collaborating to address key issues. Foster parents, private agencies and cross-sector partners have all shown their commitment to change and to being part of the solution. Leaders of Aboriginal services and Aboriginal political leaders have demonstrated their resolve and capacity to work towards new solutions for their children and communities. There is a readiness and recognition among all players of the importance of seeking the advice of children, youth and families who have had first-hand experience in the child welfare system.

These dynamic shifts in the system are encouraging. Some changes have already been made and the foundation has been built for many others. Now all of the players need to commit to implementing the comprehensive changes that are necessary to build a long-term sustainable system together. Ontario's vulnerable children and families deserve nothing less.

SUMMARY OF RECOMMENDATIONS



Commission to Promote
Sustainable Child Welfare
Commission de promotion de la viabilité
des services de bien-être de l'enfance



Over the course of its three-year mandate the Commission released a comprehensive range of recommendations impacting every component of its sustainability strategy. Taken together the recommendations provide a way forward in building a sustainable child welfare system that is better able to meet the needs of the vulnerable children and families it serves, while being able to adapt to the ongoing changing circumstances and challenges it faces.

RECONFIGURE THE ORGANIZATION OF CAS STRUCTURES AND SERVICE DELIVERY

Amalgamations

[*** **New Recommendation** *** submitted with this Final Report, September 2012]

1. In communities in which the local CAS falls below the 25,000 child population threshold, MCYS direct all provincially-funded children's service providers to examine the feasibility of cross-sector amalgamations.

Note that while the Commission provided ongoing advice to the Minister and the Ministry throughout the CAS-to-CAS amalgamation process, no formal recommendations were submitted.

Shared Services

[Submitted August 2012]

1. Ontario's child welfare sector should immediately move to undertake a full and robust program of shared services that includes all Children's Aid Societies.
2. A wide range of child welfare business functions currently performed separately by Children's Aid Societies should be reconfigured and implemented as shared services across all CASs.
 - a. Back office business activities in Children's Aid Societies should be consolidated and shared province-wide as much as possible.
 - b. A common suite of direct child welfare services and functions that support delivery of child welfare services should be consolidated as shared services across the province.

3. A Provincial Shared Services Body should be established to direct, set parameters for and oversee both province-wide and regional shared services.
4. Implementation should proceed under the direction of an implementation project team consisting of Ministry of Children and Youth Services and sector expertise.
5. Implementation should proceed on an incremental basis with individual Zones taking the lead to develop and implement a shared service in preparation for its rollout across the province.

CHANGING THE APPROACH TO FUNDING CHILD WELFARE

[Submitted February 2011]

Overall Funding Approach

1. Establish a goal for communicating fiscal year funding targets no less than three months prior to the start of each fiscal year.
2. Commit to shifting the sector to rolling multi-year funding to provide greater certainty and long-range planning by individual agencies and by the sector as a whole.
3. Revise the rules relating to retention of surpluses to enable agencies to build small reserve funds.
4. Put in place a new approach to planning, budgeting and approving major capital for the sector and separate capital funding from operating funding.
5. Transfer administrative responsibility for payment of adoption and legal custody subsidies from Children's Aid Societies (CASs) to the Ministry of Children and Youth Services (MCYS).
6. Develop a separate approach for funding designated Aboriginal CASs for implementation.

Allocating Available Funds

1. Adopt the Local Needs-Based Funding Model for allocating available funds among CASs.
2. Employ a multi-year phase-in of the Local Needs Based Model with adjustments for Crown Wards, amalgamating agencies and other factors to ensure service continuity and agency stability during the implementation period.
3. Consider quantifying the incremental costs for CASs designated to provide Francophone services and treat these costs as a "post-formula adjustment" in the new funding model.

IMPLEMENT A NEW APPROACH TO ACCOUNTABILITY AND SYSTEM MANAGEMENT

[Submitted September 2012]

Accountability Framework

MCYS should introduce a new Framework of Accountability that enables responsible and responsive governance and secures improvement by:

- Aligning MCYS, CASs and OACAS roles and responsibilities with those outlined by the Commission;
- Publishing a Framework for Accountability in Child Welfare which brings greater coherence and transparency to the system founded on the principles and roles provided by the Commission;
- Making the changes necessary to align existing policy and practice with this framework through the mechanisms outlined by the Commission; and
- Determining the features of a distinctive Accountability Framework for Aboriginal Child Welfare as part of the agenda of the Strategic Forum that the Ministry should establish with Aboriginal leaders to develop a new strategy and approach for Aboriginal Child Welfare consistent with those outlined by the Commission.

Strategic Planning

MCYS should design and implement a multi-year strategic planning and target-setting process, in collaboration with the sector, in order to set clear directions for more child-focused programs and services across government and its local delivery network. The provisions of such a planning framework are outlined in the Commission's *A New Approach to Accountability and System Management* report and include:

- a) An Ontario Strategy for Children's Services developed by a new cross-ministerial Deputy Minister's Forum and led by the Deputy Minister of Children and Youth Services, with full support of the Minister of Children and Youth Services, the Premier and Cabinet;
- b) A 'Supporting Children Strategy' that aligns the scope, policy and priorities for the programs for which MCYS is directly accountable including a child welfare strategy;
- c) Local Children's Service Strategies and Plans developed for CASs with their community partners;
- d) The introduction of Children's Services Accountability Agreements between local CAS boards and MCYS to make clear what is expected of the Ministry and local agencies in delivering these strategies and plans; and
- e) Accountability Agreements will include requirements to identify all Aboriginal children served, to engage with Bands, and otherwise recognize the unique needs and relationships of Aboriginal children.

Performance Indicators (PIs)

In the short run it is recommended that:

- a) The first generation of Performance Indicators (24) be adopted and continue to be collected in phase 2 clarifying and correcting the problems of data definition and quality wherever practical – but not making any fundamental changes that would impede comparison or progress;
- b) Phase 2 of the PI project be rolled out to all CASs led by OACAS and executed by OCANDS as in Phase 1;
- c) The Statistical Neighbours Model should be further developed as performance data from CASs becomes available from phase 1 and 2 and used for benchmarking performance;
- d) CASs be required to collect complete accurate data about Aboriginal children, immediately; and
- e) CASs be required to collect accurate data about children’s cultural and racial backgrounds in a standard set of categories such as those used in the Canadian long form census (2006).

In the medium term it is recommended that:

- f) Aboriginal specific outcomes and indicators be developed through the strategic forum that the Commission has recommended in its Aboriginal child welfare report building on the consultations and the PI working paper produced by the Commission;
- g) OACAS develop standard instruments for all CASs to collect client and stakeholder feedback, for implementation from April 2013;
- h) MCYS introduce public reporting of a selection of these performance indicators to demonstrate results against the targets it sets for the system in its strategic and results-based plans;
- i) Additional indicators and measures be developed to respond to important areas of service performance and agency capacity that were not addressed in the first set for example: CAS governance, community and family-based services for ongoing cases, transformation policy (i.e. differential response, alternative dispute resolution), the quality of placement resources; and
- j) Performance indicators be used to strengthen accountability and system management and foster a culture of curiosity and learning across the sector and MCYS as set out in the Commission’s proposed Accountability Framework (to enhance governance, inform multi-year plans and cyclical reviews).

Cyclical Agency Reviews

MCYS should introduce a program of agency reviews to monitor how well CASs are serving children and families and their prospects for continuing to improve.

That the design of these reviews be:

- a) Conducted with a professional management framework focused on capacity for improvement, not compliance with processes and standards; and

- b) Guided by clear criteria, backed up by performance indicators and other forms of evidence, developed in partnership with the sector;
- c) Conducted by mixed disciplined teams led by external consultants and composed of experienced local managers, consultants and senior policy analysts.

Making Performance Matter

- a) CASs should report their performance against expectations set out in their Accountability Agreements with MCYS and produce plans to address areas where improvement is required to meet targets;
- b) MCYS should develop a user friendly format for comparative reporting of CASs' performance on targets agreed in their Accountability Agreements, and the conclusions and actions arising from agency reviews;
- c) OACAS should develop further the Statistical Neighbours Model to facilitate benchmarking between CASs drawing on CASs' performance data as well as the socio-demographic factors used by the Commission;
- d) MCYS should implement a detailed set of provisions for recognizing CASs' successes and addressing weaknesses, to realize the "differential response" to achieving performance results and improvement;
- e) The success of the new Framework of Accountability approach should be secured by fostering transparency, curiosity and learning, rather than handing out sanctions and blame; and
- f) Following the full and effective implementation of the Commission's recommendations, no financial incentives should be considered until there is full confidence in the data and judgments being made about CASs.

Building the capacity

- a) MCYS should commit to a model of self-improvement for the child welfare system and make explicit the part played by its new "Framework of Accountability" that the Commission recommends be published without delay;
- b) The Deputy Minister of MCYS should review the functions and capacity of the Ministry's corporate and regional offices and introduce the changes necessary for them to carry out their role effectively and efficiently;
- c) The OACAS Governance Advisory Committee should implement its plans for strengthening CAS governance including boards' capacity to use data for better governance and improvement;
- d) MCYS should increase its effort to streamline existing accountability and auditing processes to align with the new framework recommended by the Commission –making regulatory changes where necessary;
- e) The system's requirements for research, data and improvement services to support this evidence-based approach to accountability should be determined as a matter of urgency and the resources reorganized to deliver the capacity required; and
- f) These services, which are referred to as "Quality and Improvement Services", should be a priority for implementing the Commission's recommendations on Shared Services.

STRENGTHEN AND IMPROVE DIRECT SERVICE DELIVERY

Clarifying the Scope of Child Welfare Services

[Submitted July 2012]

1. MCYS should take further steps to remove barriers to, and accelerate realization of, the policy direction set by the 2005 Child Welfare Transformation Agenda.
2. MCYS in collaboration with the sector should build on the Commission's work to confirm and define the services that *must be* provided by every CAS in Ontario. These services should encompass direct child protection when maltreatment has occurred and proactive intervention when there is a likely risk of maltreatment.
3. CASs should map their current scope of services based on the Continuum for Child and Family Service Needs to provide a frame of reference for making immediate and future choices and decisions to maximize positive outcomes within available resources.
4. MCYS, with input from the sector, should critically examine the Eligibility Spectrum and other tools being used to determine thresholds for eligibility, for initiating and continuing ongoing services.
5. MCYS should commit to enhanced service integration between child welfare and other services for vulnerable children and families and promote structures and processes that lead to more coherent and effective child and family services in Ontario's communities.

Strengthening Family-Based Care

[Submitted July 2012]

1. MCYS, with input from the sector, should establish five-year provincial targets against which to design strategies for change and to monitor progress. Targets should be incorporated in the overall accountability framework and should address:
 - The proportion of children and youth supported by CASs while remaining at home.
 - The proportion of days of care provided in family-based settings.
 - The proportion of children and youth in placements that are geographically in or close to their home community.
 - The proportion of all children in care who are in placements with kin.
 - The number of moves experienced by children in care.
2. Each CAS should set and agree on its agency's local target with the MCYS. MCYS should aggregate the combined outcome of all CASs meeting their individual targets and adjust, as necessary, the associated provincial targets.
3. The sector, working through OACAS, should incorporate the actions described in this report into its work plan for the Family-Based Care Project. This project should be designed to incorporate the active input of all stakeholders.

4. MCYS should actively support the OACAS Family-Based Care Project and should take leadership on projects to address province-wide policies relating to family-based care.
5. OACAS, with the active support of MCYS, should convene a dialogue between CASs and providers/provider associations of out-of-home care. The objective of this dialogue should be to determine an appropriate mechanism(s) for strengthening communications and priority setting relating to out-of-home care for children and youth.

Reducing Administrative Burden

[Submitted April, May 2010]

1. The Ministry should reduce the administrative burden in child welfare in order to improve direct services to children and families in the shortest possible delay.
2. The Ministry should set up a Gateway mechanism and identify the skills and capacity required to manage the administrative burden Strategy as a whole including the Gateway.
3. The Ministry should work, where appropriate, with the broader public service to ensure that the child welfare program contributes to and benefits from the opportunities afforded by Ontario's "Open for Business" initiative.
4. The Standard Cost Model should be adopted by MCYS to establish a baseline and set targets for reducing the administrative burden in child welfare. This project could be overseen by the Gateway Group, and completed three months following its processes that are appropriate for Aboriginal child welfare.

Information System for Child Welfare (CPIN)

[Submitted March 2010]

The Commission recommends that the Ministry proceed with CPIN implementation as currently proposed by staff.

Permanency Subsidies

[Submitted June 2011]

The Commission recommends that the Government:

1. Broaden the scope from adoption subsidies to permanency subsidies;
2. Transfer responsibility for administration of subsidies from CASs to the Ministry and ensure consistent application of provincial subsidy guidelines;
3. Set aside funding for subsidies annually prior to finalizing funding allocations to individual CASs.

ADVANCE ABORIGINAL APPROACHES TO CHILD WELFARE

Advancing Aboriginal Approaches to Child Welfare

[Submitted December 2011]

1. That an overall strategy for the Aboriginal child welfare sector be prepared to address the following broad, strategic issues:
 - The range of services to be offered by designated Aboriginal CASs;
 - Overall accountability framework (including governance issues);
 - The potential for developing Aboriginal Child Welfare Authorities or other structures and the basis for determining the number and location of designated Aboriginal CASs;
 - The respective roles and relationships of designated Aboriginal CASs, Aboriginal prevention agencies, other Aboriginal community service organizations and mainstream CASs;
 - Issues of scale and size in the configuration of Aboriginal child welfare services;
 - Increasing the capacity of First Nation communities to meet their responsibilities in regards to child welfare; and
 - Examining long-term funding policies and approach for Aboriginal child welfare.
2. That action be taken in the near term on key priorities that support efficiency and enhance service delivery. These opportunities include:
 - Greater collaboration and increased use of shared services to support efficiency and enhance service delivery;
 - Greater use of service agreements between mainstream CASs and designated Aboriginal CASs;
 - More use of protocol agreements between mainstream CASs and First Nations communities and their agencies; and
 - Identify and make the necessary exemptions (under Section 214 (1) or Section 214 (5) (a) of the CFSA), or modify, or clarify the interpretation of those provisions, regulations, policies, and directives that are impractical or inappropriate for Aboriginal child welfare.
3. The Ministry, in consultation with the sector, identify and remove barriers to the use of customary care so that customary care can be the preferred option for out-of-home placement of First Nations' children. Foster care and adoption placements involving society wardship or Crown Wardship status should be considered only when customary care is unavailable or does not serve the child's best interests.
4. The Ministry support and endorse an approach to accountability and performance improvement for all CASs that serves Aboriginal children and which includes distinct outcomes and performance indicators and other components such as monitoring mechanisms and review processes that are appropriate for Aboriginal child welfare.
5. The Ministry establish a distinct funding approach for designated Aboriginal CASs by 2013/14.

6. That a single focus of responsibility for Aboriginal services, including but not limited to child welfare, be established within MCYS by February 2012.

[*** **New Recommendation***** submitted with this Final Report, September 2012]

7. Leaders from urban Aboriginal communities and organizations serving Aboriginal children and families in those communities should be involved in developing the strategy for Aboriginal child welfare proposed in recommendation #1 and in preparing plans to address tactical and short-term issues, referred to in recommendation #2. In addition, leaders of organizations serving urban First Nations, Métis and Inuit children and families should meet at least twice each year to identify priority issues and potential solutions that they can implement together.

Separate Funding Approach for Designated Aboriginal Agencies

[Submitted August 2012]

1. The principles previously recommended for funding non-Aboriginal CASs should be adopted; and in addition, a “Save Harmless Principle” should be applied when determining the funding allocations to designated Aboriginal CASs.
2. A separate sub-envelope should be identified for distribution to designated Aboriginal CASs. The size of the sub-envelope should reflect the rapid increase in the Aboriginal child population, the different needs of Aboriginal children and families and the different nature of the work of Aboriginal CASs.
3. The sub-envelope for Designated Aboriginal CASs should be distributed according to a model that:
 - Apportions “fixed costs” for administration and infrastructure based on historical patterns;
 - Allocates at least 85% of the dollars to variable costs based on child population, the number of First Nations served, geography, household size and service volumes; and,
 - Provides for post-formula adjustments including targeting a portion of each agency’s funding to support the use of customary care and family preservation services.

ADVANCE BROADER INTEGRATION OF CHILDREN’S SERVICES

Several recommendations in other aspects of the Commission’s work related to broader integration. The Commission did not make any additional recommendations exclusive to this component of its work.

THE CHILD AND FAMILY SERVICES ACT

[*** **New Recommendations** *** submitted with this Final Report, September 2012]

During the next review of the CFSA:

1. Those provisions of the Act that lead to undue intervention by the Ministry in professional practice should be identified, and, where warranted, amended;
2. Consideration should be given to reducing the frequency of Crown Ward Reviews to every 24 months;
3. As the work on Child Protection Information Network (CPIN) incorporates the functionality of the Child Abuse Register sections 75 and 76 of the CFSA should be repealed.
4. Language should be amended to replace outdated and imprecise terms that refer to Aboriginal children and families and, more specifically, to recognize First Nations, Métis and Inuit as the three Aboriginal identities; and
5. The Act should be amended to provide to the members of CAS Boards of Directors, the same protections afforded to their employees.

MANAGING CHANGE HAPPEN

[*** **New Recommendation** *** submitted with this Final Report, September 2012]

1. MCYS, with input from the sector, should complete and make public an evaluation report of the child welfare system's progress towards sustainability. This report should review progress and results against the priorities, targets and milestones established in the multi-year implementation plan.

APPENDICES

Appendix A:

Commission to Promote Sustainable Child Welfare

Terms of Reference

1. Purpose

The Commission to Promote Sustainable Child Welfare (the Commission) has been established to support the financial sustainability of children's aid societies (CAS) over the long-term and find better ways to do business, while improving outcomes for children and youth receiving services. The Commission has been constituted through a Lieutenant Governor in Council Order-in-Council to commence September 21, 2009 for up to three years concluding no later than September 20, 2012.

The purpose of these Terms of Reference (ToR) are to:

- Set out the mandate and deliverables of the Commission;
- Establish the accountability relationships between the ministry and the Commission through its Chair;
- Clarify the roles and responsibilities of the Commission; and,
- Set out expectations for the functioning of the Commission as an arms length body of government with respect to its operation, administration, and financial and reporting arrangements with the Ministry of Children and Youth Services (the ministry).

These ToR do not affect, modify, or limit the powers of the Commission as set out in the Order-in-Council or the Minister's letters of appointment for the three Commissioners (see section 2), or interfere with the responsibilities of any of its parties as established by law. In case of conflict between these ToR and any statute or regulation, the statute or regulation prevails.

2. Definitions

"Chair" means the Chair of the Commission to Promote Sustainable Child Welfare.

"Commission" means the Commission to Promote Sustainable Child Welfare.

"Commissioners" means the three Commissioners to the Commission to Promote Sustainable Child Welfare.

"Deputy Minister" means the Deputy Minister of Children and Youth Services.

"Executive Director" means the Executive Director of the Commission to Promote Sustainable Child Welfare.

"Minister" means Minister of Children and Youth Services.

"Ministry" means the Ministry of Children and Youth Services.

"CFSA" means Child and Family Services Act

"CASs" means Children's Aid Societies

"OIC" means Order in Council.

3. Legal Authority

Legal Authority

The Commission and the Commissioners derive their authority through the following model:

- Orders in Council establish the Commission, appoint three Commissioners to provide advice on the sustainability of CASs and provide for the remuneration of the Commissioners; and
- Minister's appointment of the Commissioners as Directors and Program Supervisors under section 5 of the *Child and Family Services Act* (CFSA). Those duties and functions of Directors and Program Supervisors the Minister has provided to the Commissioners under the CFSA include:
 - Entering premises where an approved service is provided, inspecting facilities, services provided, the books of account and the records relating to the service, and making copies of those books and records or removing them from the premises to copy them as may be reasonably required (s.6(1));
 - Advising and supervising children's aid societies (s. 17(1)(a));
 - Inspecting or directing and supervising the inspection of the operation and records of children's aid societies (s.17(1)(b)); and
 - Issuing directives to one or more children's aid societies, including directives respecting their provision of services (s.20.1).

4. Mandate & Scope

Mandate

The mandate of the Commission is to develop and implement initiatives that will contribute to moving the children's aid societies and ministry towards sustainability and reinvestment in better outcomes for children and youth in need of protection. The Commission has the authority to both make recommendations and implement change within the scope defined below.

The Commission will work with the ministry and CASs in fulfilling its mandate.

Scope

The Commission is expected to achieve its mandate through a number of cycles of analysis, implementation and recommendation, with activities in each successive cycle building on the results of the prior ones.

To inform its work, the Commission will examine CAS expenditures, costs and cost drivers, potential cost containment opportunities and incentives, service utilization, business practices, applicable best practices and benchmarks and other areas as the Commissioners deem necessary.

The Commission has the authority to direct change in the following areas, as deemed necessary for the achievement of its mandate:

- The development of strategies and methodologies to evaluate and improve service delivery that contain costs and contribute to better outcomes for children and youth.
- The establishment of performance measurement with respect to service provision including:
 - Reporting mechanisms and requirements;
 - Efficiency, productivity and expenditure targets; and,

- Developing implementation plans, and/or directing CASs to develop implementation plans, with respect to reporting on measures and any applicable performance targets.
- Where it supports better outcomes for children and youth, while improving CAS efficiency, and subsequent to consultation with the ministry, provide direction to CASs to develop potential consolidation plans and/or implement changes to business processes with respect to service delivery, based on:
 - Assessment of performance against established implementation plans and targets; and
 - Assessment of the viability, capacity and potential of CASs considering the unique circumstances of Aboriginal, faith based and French language CASs.

The Commission is expected to make recommendations to the Minister in areas where it is not within its scope to directly implement change. Areas of recommendations to the ministry may include:

- Ministry processes, in order to positively impact the effective use of resources in CASs.
- Effective accountability structures between the ministry and CASs.
- Appropriate mechanisms to recognize performance (ranging from excellence to non-compliance).
- Policy, including funding policy, standards, legislation and regulation, where changes facilitate improved CAS performance and maximize use of resources.
- Issues with impact on other parts of the children's system.

Changes to the child welfare funding envelope are out of scope for the Commission.

The Commission will develop and implement a process to engage and consult CASs, the ministry and others as appropriate to ensure they have an opportunity to understand and provide input into the work of the Commission.

5. Guiding Principles

Throughout its work, the Commission shall be guided by the following principles:

- Work that initially focuses on child protection exclusive services, then prevention and auxiliary services.
- Actions that maintain or enhance service quality to clients of children's aid societies.
- Strategies that have no new operational funding requirements and focus on how existing funding allocations can be optimally utilized within each CAS and/or across the system.

The Commission and the ministry will avoid duplication of activities wherever possible.

6. Commission Accountability

The Minister is accountable to the Legislative Assembly and Cabinet for the Commission's fulfillment of its mandate and its compliance with government administrative and operational policies and broad policy directions. For these purposes, the Minister will respond to the Legislative Assembly on the affairs of the Commission.

The Commissioners are accountable to the Minister for the performance of the Commission in fulfilling its mandate and for carrying out the roles and responsibilities outlined in the Order in Council establishing the Commission and these ToR, as well as those roles and responsibilities assigned through the Minister's appointment of the Commissioners as Directors and Program Supervisors under section 5 of the *CFSA*, and any applicable TB/MBC and Ministry of Finance or other government directives.

The Executive Director of the Commission is accountable to the Chair of the Commission for the management of the Commission's operations, staff and/or resources (as engaged), and for supporting

the Commission in meeting its responsibilities, in consideration of any applicable government directives, policies and/or procedures.

7. Conflict of Interest

The Chair is responsible for ensuring that appointees and staff of the Commission are informed of the conflict of interest rules, including the rules on political activities. The Commissioners will comply with the conflict of interest rules set out in Ontario Regulation 381/07 under the Public Service of Ontario Act, 2006 (Appendix A).

The Chair is also responsible for recording any declared or perceived conflicts of interest and advising the Deputy Minister of these conflicts.

8. Roles and Responsibilities

The Commissioners are collectively responsible for:

- Setting the goals, objectives and strategic directions for the Commission within its mandate as defined by these ToR.
- Making decisions consistent with the business plan approved for the Commission.
- Approving the Commission's reports, as outlined in the Reporting Section, for submission to the Minister in accordance with the timelines set out in these ToR (Appendix C).
- Keeping the Minister informed of issues or events that may concern the Minister in the exercise of the Minister's responsibilities.
- Carrying out effective public communications and relations for the Commission.
- Cooperating with any periodic review of the Commission directed by the Minister or TB/MBC.

In addition to the responsibilities of the Commission set out above, the Chair is responsible for:

- Directing the affairs of the Commission so as to fulfill its mandate as defined by these ToR.
- Monitoring the performance of the Commission towards meeting its mandate and objectives.
- Ensuring that the Commission operates within its approved business plan/budget in fulfilling its mandate.
- Directing corrective action relating to the operations of the Commission be taken, if needed.
- Reviewing and approving the Commission's business plan, budget, and reports, and submitting them to the Minister in accordance with applicable TB/MBC and Ministry of Finance directives (Appendix B), and in keeping with timelines and requirements outlined in these ToR.
- Ensuring that public funds are used with integrity and honesty.

The Executive Director of the Commission is responsible for:

- Supporting the Commissioners in meeting their responsibilities.
- Keeping the Chair informed on operational matters.
- Managing the day-to-day operations of the Commission in accordance with current TB/MBC and Ministry of Finance directives, and any future directives that may be put in place by TB/MBC, accepted business and financial practices, and these ToR (Appendix B).
- Advising the Chair on compliance with TB/MBC and Ministry of Finance directives and ministry policies and procedures.
- Applying policies so that public funds are used with integrity and honesty.
- Ensuring that the Commission has an appropriate risk management framework and mitigating strategy in place, as directed by the Chair, to help provide the proper level of assurance that objectives are met.

- Establishing a system for the retention of formal Commission documents and making such documents public available, as appropriate.
- Preparing the Commission's annual business plan to be approved by the Chair prior to submission to the Minister.
- Preparing reports for the Commission as directed by the Chair.
- Preparing financial reports requested by the ministry and as outlined in Section 12 of these ToR.
- Establishing systems to ensure that the Commission operates within its approved business plan
- Carrying out in-year monitoring of the Commission's operational performance and reporting on it to the Chair.
- Consulting with the Assistant Deputy Minister of the Service Delivery and Design Division, as needed, on matters of mutual importance, including services provided by the ministry, and on TB/MBC and Ministry of Finance directives and ministry policies.
- Cooperating with a periodic review directed by the Minister or TB/MBC.
- Hiring and supervising Commission staff in accordance with the Commission's approved annual business plan.
- Providing thought leadership to support the Commissioners in fulfilling their mandate.

9. Reporting Requirements

The Chair is responsible for establishing and maintaining regular reporting by the Commission to the Minister on:

- Progress against Commission performance measures
- Key findings/conclusions to date
- Updated research and consultation plan
- Directions issued to CASs (individual and sector-wide) to date and status of their implementation
- Recommendations to Minister to date

The Chair is responsible for ensuring that the following Commission specific reports are submitted to the Minister:

Progress Report for the period of November 2009 – January 2010

A progress report must be submitted to the Minister by January 30, 2010. The progress report must include the following elements:

- Update on establishment of Commission (staffing plan, move to permanent location, etc.)
- Identification of performance measures over the course of the Commission's term to achieve the mandate and scope, including key milestones, activities and timelines
- Consultations with sector to date
- 2010 research and consultation plan

Final Report

A final report must be submitted to the Minister by September 20, 2012 (see Appendix C). The final report must include:

- Overview of work undertaken by Commission (research, consultations)
- Key findings/conclusions
- Summary of directions issued to CASs (individual and sector-wide)
- Status of implementation of directions to CASs and recommended next steps

- Recommendations to Minister

The Chair is responsible for ensuring that specific data and other information that may be required from time-to-time for the purpose of ministry administration is provided, at the request of the Minister or Deputy Minister.

The Commission will define its own performance measures to achieve the mandate and scope defined in section 4 of these ToR over the course of its term and will report against these measures quarterly as part of their financial reporting (see section 12).

Note: Financial reporting requirements are addressed in Section 12 of these ToR.

10. Communications

Respecting the role each party plays in supporting a sustainable child protection system and better outcomes for children and youth, the Commissioners and the ministry will adhere to the Communications Agreement as set out in Appendix D. The purpose of the Communications Agreement is to establish a transparent working relationship between the Commission and the ministry such that each party provides early notification of intended or planned actions that may have an impact on the other party or the sector.

Prior to implementing change, the Commission will develop and implement a process for the engagement and consultation with CASs and the sector.

The Commission will provide the ministry with an opportunity to comment on any reports prior to any public release. The Commission is also required to share information with the ministry on request, in accordance with Freedom of Information and Protection of Privacy Act (“FIPPA”) principles and practices (see section 11).

11. Administrative and Organizational Support

The Chair is responsible for ensuring that the Commission operates in accordance with all applicable TB/MBC and Ministry of Finance directives, as well as applicable ministry financial and administrative policies and procedures. Appendix B to these ToR provides a list of applicable directives, guidelines and policies.

Legal Services

Legal Services will be provided to the Commission.

Arrangements for legal counsel will be determined by MAG, in consultation with MCYS and the Commissioners, based on the nature, scope and extent of the legal services required. The legal needs of the Commission will be identified in its annual business plans.

Freedom of Information and Protection of Privacy

The Commission is required to conduct itself in accordance with *Freedom of Personal Information and Protection of Privacy Act* (FIPPA) principles and requirements regarding the collection, use and disclosure of information.

Records Management

The Chair is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records, in keeping with the TB/MBC Management of Recorded Information Directive.

12. Financial Arrangements

The Chair of the Commission will ensure that the Minister is provided with the Commission's annual business plan for approval within the timelines established in Appendix C, and that is in alignment with the government's fiscal planning process.

The business plan must outline key milestones, activities and timelines to achieve its mandate and scope as outlined in section 4 of these ToR, as well as those resources that the Commission wishes to engage to enable the achievement of key deliverables. These resources may include:

- operating costs of Commission;
- travel;
- translation;
- training;
- research;
- consulting services, staff, or purchased expertise;
- support staff;
- anticipated costs associated with directives to CASs; and,
- other resources associated with delivering on its mandate over the course of its term.

On the basis of the approved annual business plan the Commission will receive a budget from the ministry. Based on the budget approved through the business plan, a ministry cost center will be established and invoices will be paid through Ontario Shared Services (OSS). The Executive Director of the Commission will have delegated financial authority.

Goods and Service Tax will not be paid for those invoices (eligible goods and services) directly processed by OSS on behalf of the Commission, and where invoices are in accordance with the allocations set out in the Commission's annual business plan.

The Executive Director, at the direction of the Chair, will prepare estimates of the Commission's expenditures for inclusion in the ministry's Results Based Plan (RbP). The Chair will deliver these estimates to the Minister as part of regular financial reporting beginning in Fall 2010, allowing sufficient time to be approved and analyzed by the Minister (see below). The estimates provided by the Chair may, after appropriate consultation with the Chair, be altered by the ministry as required.

Financial procedures of the Commission must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction (see Appendix B).

Financial Reporting Requirements

The Chair and Executive Director will review and prepare quarterly financial reports, and will provide them to the Minister within specified timeframes (Appendix C). These reports will include:

- Year-to-date expenditures by quarter
- Forecasted expenditures to year-end
- Progress against key milestones and activities identified in the Business Plan
- Progress against Commission performance measures

13. Audit and Review Arrangements

The ministry reserves the right to conduct an audit or investigation of the Commission for the purpose of ensuring that the Commission is complying with the terms and conditions stated in the Terms of Reference and may appoint any of the employees or agents of the ministry (an auditor) in exercising this right. The auditor will give the Commission notice on or before the date on which he or she begins the audit or investigation.

14. Staffing and Appointments

The Commission will make its own long-term staffing decisions and arrangements subject to approval by the ministry of its annual business plans. Staff will include, at a minimum, an Executive Director who will be responsible for supporting the Commission in meeting its responsibilities. The Executive Director will be accountable to the Chair for the management of the Commission's operations and staff, in consideration of any applicable government directives, policies and/or procedures.

The Commission may engage experts, second staff from the Broader Public Service or the Ontario Public Service, or engage resources through temporary hiring agencies on an as needed basis and subject to ministry approval of the resources outlined within the Commission's annual business plan. The Commission is required to engage all resources in compliance with applicable government directives, policies and/or procedures, including the Procurement Directive (Appendix B).

15. Liability Protection and Insurance

The ministry intends to provide the Commissioners with an indemnity with respect to any liability arising from their work as Commissioners pursuant to Section 28 of the *Financial Administration Act*. The indemnity will set out the contingent liability, including any limitations, and the terms and conditions for claiming indemnification. The contingent liability will be based on an analysis of the maximum financial exposure to the Commissioners and an assessment of the probability of liability arising from work undertaken within the scope of their mandate as set out in these ToR.

The Commission will be covered by the Province's Commercial General Liability Protection Program as the ministry is providing the Commission with accommodations.

16. Effective Date and Duration and Periodic Review of the Terms of Reference

These Terms of Reference are effective from November 16, 2009 to September 20, 2012, unless they are replaced by a new Terms of Reference as a result of a significant change in the Commission's mandate, structure or powers.

If a new Minister takes office before these Terms of Reference expire, the Minister may by letter inform the Commission that s/he intends to review these Terms of Reference.

Without affecting the effective date of these Terms of Reference, either the Minister or the Chair may initiate a review of these ToR by written request to the other.

Periodic Reviews

The Commission may be subject to a periodic review at the discretion of TB/MBC or the Minister. The review may cover such matters relating to the Commission that are determined by TB/MBC or the Minister, and may include the mandate, powers, structure and/or operations of the Commission. The Minister will consult the Chair as appropriate during any such review. The Commissioners and the Executive Director will cooperate in any review.

Appendix A

Public Service of Ontario Act, 2006

ONTARIO REGULATION [381/07](#)

CONFLICT OF INTEREST RULES FOR PUBLIC SERVANTS (MINISTRY) AND FORMER PUBLIC SERVANTS (MINISTRY)

Consolidation Period: From August 20, 2007 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

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PART I
RULES FOR PUBLIC SERVANTS WHO WORK IN A MINISTRY

INTERPRETATION

Definitions

1. In this Part,

"confidential information" means information that is not available to the public and that, if disclosed, could result in harm to the Crown or could give the person to whom it is disclosed an advantage;

"gift" includes a benefit of any kind;

"spouse" means,

(a) a spouse as defined in section 1 of the *Family Law Act*, or

(b) either of two persons who live together in a conjugal relationship outside marriage. O. Reg. [381/07](#), s. 1.

Application

2. This Part applies to every public servant who works in a ministry. O. Reg. [381/07](#), s. 2.

PROHIBITED CONDUCT

Benefiting self, spouse or children

3. (1) A public servant shall not use or attempt to use his or her employment by the Crown to directly or indirectly benefit himself or herself or his or her spouse or children. O. Reg. [381/07](#), s. 3 (1).

(2) A public servant shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Crown. O. Reg. [381/07](#), s. 3 (2).

Accepting gifts

4. (1) A public servant shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the public servant when performing his or her duties to the Crown:

1. A person, group or entity that has dealings with the Crown.
2. A person, group or entity to whom the public servant provides services in the course of his or her duties to the Crown.
3. A person, group or entity that seeks to do business with the Crown. O. Reg. [381/07](#), s. 4 (1).

(2) Subsection (1) shall not operate to prevent a public servant from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances. O. Reg. [381/07](#), s. 4 (2).

(3) A public servant who receives a gift in the circumstances described in subsection (1) shall notify his or her ethics executive. O. Reg. [381/07](#), s. 4 (3).

Disclosing confidential information

5. (1) A public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the public servant is authorized to do so by law or by the Crown. O. Reg. [381/07](#), s. 5 (1).

(2) A public servant shall not use confidential information in a business or undertaking outside his or her work for the Crown. O. Reg. [381/07](#), s. 5 (2).

(3) A public servant shall not accept a gift directly or indirectly in exchange for disclosing confidential information. O. Reg. [381/07](#), s. 5 (3).

Giving preferential treatment

6. (1) When performing his or her duties to the Crown, a public servant shall not give preferential treatment to any person or entity, including a person or entity in which the public servant or a member of his or her family or a friend has an interest. O. Reg. [381/07](#), s. 6 (1).

(2) When performing his or her duties to the Crown, a public servant shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it. O. Reg. [381/07](#), s. 6 (2).

(3) A public servant shall not offer assistance to a person or entity in dealing with the Crown other than assistance given in the ordinary course of the public servant's employment. O. Reg. [381/07](#), s. 6 (3).

Hiring family members

[7. \(1\)](#) A public servant shall not, on behalf of the Crown, hire his or her spouse, child, parent or sibling. O. Reg. [381/07](#), s. 7 (1).

(2) A public servant shall not, on behalf of the Crown, enter into a contract with his or her spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest. O. Reg. [381/07](#), s. 7 (2).

(3) A public servant who hires a person on behalf of the Crown shall ensure that the person does not report to, or supervise the work of, the person's spouse, child, parent or sibling. O. Reg. [381/07](#), s. 7 (3).

(4) A public servant who reports to, or supervises the work of, his or her spouse, child, parent or sibling shall notify his or her ethics executive. O. Reg. [381/07](#), s. 7 (4).

Engaging in business, etc.

[8.](#) A public servant shall not become employed by or engage in a business or undertaking outside his or her employment by the Crown in any of the following circumstances:

1. If the public servant's private interests in connection with the employment or undertaking could conflict with his or her duties to the Crown.
2. If the employment or undertaking would interfere with the public servant's ability to perform his or her duties to the Crown.
3. If the employment is in a professional capacity and is likely to influence or detrimentally affect the public servant's ability to perform his or her duties to the Crown.
4. If the employment would constitute full-time employment for another person. However, this paragraph does not apply with respect to a public servant who is employed part-time by the Crown. This paragraph also does not apply with respect to a public servant who is on an authorized leave of absence from his or her position, but only if the employment is not contrary to or inconsistent with the terms of the leave of absence.
5. If, in connection with the employment or undertaking, any person would derive an advantage from the public servant's employment as a public servant.
6. If government premises, equipment or supplies are used in the employment or undertaking. O. Reg. [381/07](#), s. 8.

Participating in decision-making

[9. \(1\)](#) A public servant shall not participate in decision-making by the Crown with respect to a matter that the public servant is able to influence in the course of his or her duties if the public servant could benefit from the decision. O. Reg. [381/07](#), s. 9 (1).

(2) Subsection (1) does not apply if the public servant obtains the prior approval of his or her ethics executive to participate in decision-making by the Crown with respect to the matter. O. Reg. [381/07](#), s. 9 (2).

(3) A public servant who, in the course of his or her employment in a ministry, is a member of a body or group shall not participate in, or attempt to influence, decision-making by the body or group with respect to a matter if the public servant could benefit from the decision or if, as a result of the decision, the interests of the body or group could conflict with the interests of the Crown. O. Reg. [381/07](#), s. 9 (3).

(4) A public servant described in subsection (3) shall inform the body or group if the circumstances described in that subsection exist. O. Reg. [381/07](#), s. 9 (4).

Interpretation

10. (1) Sections 11 and 12 apply to every public servant who works in a ministry, who routinely works on one or more matters that might involve the private sector and who has access to confidential information about the matter obtained during the course of his or her employment by the Crown. O. Reg. [381/07](#), s. 10 (1).

(2) In this section and in sections 11 and 12,

"matter that might involve the private sector" means a matter,

- (a) that relates to services currently provided under a program of the Crown or by a public body, an agency of the Crown or a corporation controlled by the Crown with respect to which it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services, and
- (b) that has been referred to a ministry, a public body or an agency of the Crown by the Executive Council or a member of the Executive Council for review or implementation. O. Reg. [381/07](#), s. 10 (2).

Duty to declare certain financial interests

11. (1) When a public servant described in subsection 10 (1) begins work on a matter that might involve the private sector, he or she shall make a declaration to the Conflict of Interest Commissioner in which the public servant discloses the following matters respecting his or her financial interests:

1. A legal or beneficial interest of the public servant in securities or derivatives of corporations or governments, other than the Government of Ontario.
2. A legal or beneficial interest of the public servant in a business entity or a commercial operation or in the assets of such an entity or operation.
3. A legal or beneficial interest of the public servant in real property.
4. A legal or beneficial interest of the public servant in a mutual fund that is operated as an investment club where,
 - i. its shares or units are held by not more than 50 persons and its indebtedness has never been offered to the public,
 - ii. it does not pay or give any remuneration for investment advice or in respect of trades in securities, except normal brokerage fees, and
 - iii. all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations. O. Reg. [381/07](#), s. 11 (1).

(2) Despite subsection (1), the public servant is not required to disclose his or her legal or beneficial interest in any of the following:

1. A mutual fund within the meaning of subsection 1 (1) of the *Securities Act* other than a mutual fund described in paragraph 4 of subsection (1) of this Regulation.
2. Fixed-value securities issued or guaranteed by a government or a government agency.
3. A guaranteed investment certificate or similar financial instrument issued by a financial institution entitled by law to issue such instruments.
4. A registered pension plan, an employee benefit plan, an annuity or life insurance policy or a deferred profit sharing plan.
5. Real property that the public servant, or a member of his or her family, uses primarily as a residence or for recreational purposes. O. Reg. [381/07](#), s. 11 (2).

(3) The public servant shall disclose the information required by subsection (1), with necessary modifications, in respect of his or her spouse and dependent children, but only to the extent that the legal or beneficial interests of the spouse or a child could create a conflict of interest. O. Reg. [381/07](#), s. 11 (3).

(4) For the purpose of subsection (3), the public servant shall make reasonable efforts to obtain information about the financial interests described in subsection (1) of his or her spouse and dependent children. O. Reg. [381/07](#), s. 11 (4).

(5) The public servant shall give the Conflict of Interest Commissioner a revised declaration whenever there is a change in any of the information required to be disclosed. O. Reg. [381/07](#), s. 11 (5).

Prohibition on certain purchases

[12.](#) (1) A public servant described in subsection 10 (1) shall not purchase, or cause another person to purchase on his or her behalf, a legal or beneficial interest in an entity that is carrying on, or proposes to carry on, an activity relating to a matter that might involve the private sector. O. Reg. [381/07](#), s. 12 (1).

(2) Despite subsection (1), a public servant may purchase an interest in a mutual fund (within the meaning of subsection 1 (1) of the *Securities Act*) that includes securities of a person or entity described in subsection (1) but not an interest in a mutual fund described in paragraph 4 of subsection 11 (1) of this Regulation that includes such securities. O. Reg. [381/07](#), s. 12 (2).

(3) The prohibition described in subsection (1) ceases to have effect with respect to the matter,

(a) six months after the date on which the action in respect of the matter is completed; or

(b) six months after the date the Crown ceases to work on the matter. O. Reg. [381/07](#), s. 12 (3).

List of positions

[13.](#) (1) The Public Service Commission shall maintain a current list of positions in which public servants work in a ministry and routinely work on one or more matters that might involve the private sector. O. Reg. [381/07](#), s. 13 (1).

(2) The Commission shall ensure that public servants employed by the Crown in the positions described in subsection (1) are advised of the duties and restrictions imposed upon them under sections 11 and 12. O. Reg. [381/07](#), s. 13 (2).

(3) Every ethics executive shall notify the Commission of changes to be made to the list with respect to those persons for whom he or she is the ethics executive. O. Reg. [381/07](#), s. 13 (3).

PART II RULES FOR FORMER PUBLIC SERVANTS WHO WORKED IN A MINISTRY

INTERPRETATION

Definition

[14.](#) In this Part,

"designated senior position" means any of the following positions:

1. The Secretary of the Cabinet.
2. Deputy minister, associate deputy minister or assistant deputy minister.
3. A position that is classified under subsection 33 (1) of the Act as SMG 2, XOFA 1, XOFA 2, ITX 2, ITX 3 or ITX 4. O. Reg. [381/07](#), s. 14.

Application

[15.](#) (1) This Part applies with respect to every former public servant who, immediately before he or she ceased to be a public servant, worked in a ministry. O. Reg. [381/07](#), s. 15 (1).

(2) Despite subsection (1), this Part does not apply to a person who ceases to be a public servant before the day on which section 57 of the Act comes into force. O. Reg. [381/07](#), s. 15 (2).

PROHIBITED CONDUCT

Seeking preferential treatment, etc.

[16.](#) A former public servant shall not seek preferential treatment by, or privileged access to, public servants who work in a minister's office, a ministry or a public body. O. Reg. [381/07](#), s. 16.

Disclosing confidential information

17. (1) A former public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the former public servant is authorized to do so by law or by the Crown. O. Reg. [381/07](#), s. 17 (1).

(2) A former public servant shall not use confidential information in a business or undertaking. O. Reg. [381/07](#), s. 17 (2).

Restriction on lobbying

18. (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position. O. Reg. [381/07](#), s. 18 (1).

(2) For 12 months after ceasing to be a public servant, the former public servant shall not lobby any of the following persons on behalf of a public body or another person or entity:

1. A public servant who works in a ministry or public body in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
2. The minister of any ministry in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
3. A public servant who works in the office of a minister described in paragraph 2. O. Reg. [381/07](#), s. 18 (2).

Restriction on employment, etc.

19. (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position and who, at any time during the 12 months before he or she ceased to be employed as a public servant, in the course of his or her employment as a public servant,

- (a) had substantial involvement with a public body or another person or entity; and
- (b) had access to confidential information that, if it were to be disclosed to the public body, person or entity, could result in harm to the Crown or could give the public body, person or entity an unfair advantage in relation to one or more third parties. O. Reg. [381/07](#), s. 19 (1).

(2) For 12 months after ceasing to be a public servant, the former public servant shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity. O. Reg. [381/07](#), s. 19 (2).

Restriction re certain transactions

20. (1) This section applies to a former public servant who, when he or she was a public servant working in a ministry, advised the Crown about a particular proceeding, negotiation or other transaction. O. Reg. [381/07](#), s. 20 (1).

(2) The former public servant shall not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown ceases to be involved in it. O. Reg. [381/07](#), s. 20 (2).

(3) Despite subsection (2), the former public servant may continue to advise or otherwise assist the Crown in connection with the particular proceeding, negotiation or other transaction. O. Reg. [381/07](#), s. 20 (3).

21. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. [381/07](#), s. 21.

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Appendix B - List of Applicable Government Directives, Policies and Procedures

The Commission will operate in accordance with all the following TB/MBC and Ministry of Finance directives and ministry financial and administrative policies in the applicable areas:

- Government Appointees Directive
- Procurement Directive
- Travel, Meal and Hospitality Expenses Directive
- Agency Establishment and Accountability Directive
- Accountability Directive
- Business Planning and Allocations Directive
- MCSS/MCYS Delegation of Financial Authority Framework
- Delegation of Authority Directive
- Freedom of Information and Privacy Directive
- Management of Recorded Information Directive
- Visual Identity Directive
- Disclosure of Wrongdoing Directive
- Human Resource Administration Directive
- Human Resources Management Directive
- Human Resources Management, Governance and Accountability Directive

Appendix C - Reporting Requirements and Timelines

Commission Reports:

Progress Report for the period of November 2009 – December 2009	January 30, 2010
Final Report for the period of September 2011 – September 2012	September 20, 2012

Financial Reports:

Business Plan for the period of September 2009 – March 2010	January 15, 2010
Quarterly reports	<ul style="list-style-type: none"> Year-end, to March 2010: May 15, 2010
Business Plan for the period of April 2010 – March 2011	November 30, 2009
Quarterly Reports	<ul style="list-style-type: none"> First Quarter, to June 2010: August 15, 2010 Second Quarter, to September 2010: November 15, 2010 Third Quarter, to December, 2010: February 15, 2011 Year-end, to March, 2011: May 15, 2011
Business Plan for the period of April 2011 – March 2012	November 15, 2010
Quarterly Reports	<ul style="list-style-type: none"> First Quarter, to June 2011: August 15, 2011 Second Quarter, to September 2011: November 15, 2011 Third Quarter, to December, 2011: February 15, 2012 Year-end, to March, 2012: May 15, 2012
Business Plan for the period of April 2012 – September 2012	November 15, 2011
Quarterly Reports	<ul style="list-style-type: none"> First Quarter, to June 2012: August 15, 2012 Second Quarter, to September 2012 (Close Out Report): September 20, 2012

Appendix D - Agreement for Communication between the Commission to Promote Sustainable Child Welfare and the Ministry of Children and Youth Services (“Communications Agreement”)

Introduction

The Commission to Promote Sustainable Child Welfare (the Commission) has been established to support the sustainability of children’s aid societies (CASs) over the long-term and find better ways to do business, while improving outcomes for children and youth receiving services. The Commission has a mandate to work in partnership with the Ministry of Children and Youth Services (the ministry) and CASs to develop and implement initiatives that will contribute to moving the sector and the ministry towards these objectives.

Purpose

The Communications Agreement is intended to foster an environment where information-sharing and communication take place in a cooperative way that is respectful of the role each party plays in supporting a sustainable child protection system and better outcomes for children and youth. The Communications Agreement is intended to support the Commission in meeting its mandate within its term.

The Communications Agreement recognizes:

- the respective communication needs of the ministry and the Commission;
- the arms-length nature of the Commission, its role and mandate;
- the ministry’s commitment to work with the Commission and CASs in meeting the Commission’s mandate;
- the Commission’s accountability to the ministry as outlined in the Commission’s Terms of Reference;
- that the Commission will conduct itself ethically and prudently, and will ensure the efficient and lawful use of public resources; fairness; high quality service to the public; and openness and transparency where possible and legally allowed; and
- the ministry’s responsibility for the overall functioning and administration of the child protection system.

Responsibilities

Commission Communication with the Ministry

In addition to the required consultation with the Minister and the reporting set out in sections 4, 9 and 12 of the Terms of Reference, the Commission is also responsible for responding to ministry requests for information in a timely way, including information regarding:

- The ongoing work and progress of the Commission towards meeting its mandate.
- Issues and events that may concern the Minister in the exercise of the Minister’s responsibilities.
- Commission public communications and relations, including media responses, news releases, communication plans and contentious issues.

Ministry Communication with the Commission

The ministry is responsible for providing the Commission with information in a timely way to support the Commission’s work³⁴, which may include:

- Current challenges, work to-date and business processes in the child welfare system in Ontario.
- Data to help inform cost analyses and performance measurement, e.g. provincially collected service, financial, research and outcomes data and analysis.
- Government/ministry priorities, broad policy directions, significant new directions and services that may have an impact on the Commission’s work.

³⁴ Any information provided by the Ministry to the Commission will be provided in compliance with any applicable legislation, regulations and/or policies of the government, and in consideration of the Commission’s mandate and scope of work as set out in its Terms of Reference.

Communication Processes

A “One-Window” Approach

The Commission will be provided with a central point of contact, or “window”, at the ministry. This central point of contact will be used when seeking information or making a request to consult or meet with the ministry. This contact is the Resource Management Branch (RMB), Ministry of Children and Youth Services. RMB will help to maintain effective communication with other areas of the ministry and government as needed, and will coordinate the ministry’s communication with the Commission.

Meetings between the Ministry and the Commission

The ministry and the Commission will meet regularly to discuss key issues, achievements, challenges and critical actions. Respecting the role each party plays in supporting a sustainable child protection system and better outcomes for children and youth, the Commissioners and the ministry commit to establishing a transparent working relationship such that each party provides early notification of intended or planned actions that may have an impact on the other party or the sector using the mechanisms for communication identified below.

- The Deputy Minister and the Commissioners will meet regularly to discuss key issues and identify any potential areas of concern. They will also meet at least two times annually to discuss the Commission’s work, achievements and any issues that may be arising relating to the fulfillment of the Commission’s mandate.
- The Executive Director of the Commission will meet at least quarterly with the Assistant Deputy Minister of Service Delivery Division to discuss current status, issues relating to the efficient operation of the Commission and the provision of services by the ministry to the Commission. Meetings will otherwise take place as required.
- The Minister will meet with the Commissioners regarding key issues over the course of the Commission’s term. These meetings may take place at the request of either party. Where the Commissioners are contemplating critical actions within the scope of its mandate that may fundamentally alter existing CAS business processes and financial commitments or have significant impacts for the child welfare sector, other parts of the children’s service system and/or the ministry, Commissioners will consult with the Minister in advance of taking such actions. Requests for meetings between the Minister and the Commissioners should be made in writing and forwarded to the Minister’s Office directly, copying RMB, or to the Commissioners, copying the Executive Director of the Commission.

Public Communications

The Commission will consult with the ministry on public communications strategies and publications and will keep the ministry informed of the results of stakeholder and other public consultations and discussions through regular meetings and reporting.

Consultation regarding Proposed Directives to CASs

Where the Commission needs to consult with the ministry or Minister regarding proposed significant changes/directives, the Commission should notify RMB that it intends to consult with the ministry at least two weeks in advance of a meeting and provide copies of any draft written directive and supporting information

Business Planning & Resource Requests

Subsequent to consultation with the Ministry, the Commission will provide its annual business plan to the ministry for approval, in accordance with the content and timeframes specified in the Terms of Reference and all applicable directives, policies and procedures.

Where the Commission wishes to request additional administrative and organizational supports or financial resources from the ministry in-year, they may do so in writing. These requests should be addressed to RMB so the response can be coordinated within the ministry in the most efficient way.

Information/Data Requests

The Commission and the ministry may request information from each other in writing through RMB. Information requested should be identified as specifically as possible.

Where possible, information requests will be responded to within 15 business days of receiving the request. Where a written request is not possible, the verbal exchange of information to support the ministry or Commission's functioning may be required from time to time to resolve issues quickly and cooperatively.

Agreement Review

The ministry and the Commission will review the terms of this Agreement periodically, as required. The first review of the Agreement will take place no more than 6 months after the Commission is established.

Appendix B: Reports and Working Papers Published by the Commission

Reports

- First Report: *Towards Sustainable Child Welfare in Ontario* – June 2010
 - Executive Summary
 - Full Report
 - Unique Considerations for Aboriginal Youth and Children
 - Companion Document to Towards Sustainable Child Welfare in Ontario – June 2010
- A New Approach to Funding Child Welfare in Ontario – August 2011
- Clarifying the Scope of Child Welfare Services – June 2012
- Strengthening Family-Based Care in a Sustainable Child Welfare System – June 2012
- Implementing Performance Indicators in Ontario Child Welfare: Phase 1 – September 2012
- A New Approach to Accountability and System Management – September 2012

Working Papers

- Modernizing the Tracking of High Risk Child Protection Cases – April 30, 2010
- Serious Occurrence Reporting – May 25, 2010
- Reducing Administrative Burden in Child Welfare – May 28, 2010
- Jurisdictional Comparisons of Child Welfare System Design – July 2010
- A Description of the Child Welfare System Landscape in Ontario (prepared by the *Bay Consulting Group*) – November 2010
- In-Care Services Working Paper – December 2010
- Aboriginal Child Welfare in Ontario – A Discussion Paper – July 2011
 - Ojicree Translation – July 2011
- OCANDS, Factor-Inwentash Faculty of Social Work, University of Toronto, Results & Lessons from Phase 1 Performance Indicators, submitted to OACAS – June 2012
- Statistical Neighbours: Rationale and Prototype – September 2012
- OACAS, Report on Phase 1 Performance Indicators – September 2012

Appendix C: Summary of Consultations and Research

One of the seven principles that guided the Commission's work was "*Objectivity based on evidence and the lived experience.*" The Commission applied this principle to every aspect of its work. The sources of "evidence and lived experience" are referenced in detail in the Commission's various working paper and reports. This appendix is not intended to be inclusive of all sources. Rather, it provides an overview of the *range* of sources drawn upon over the course of the Commission's three year mandate.

EVIDENCE

Key Data Sources

- *MCYS Quarterly Reports*: For financial and activity statistics.
- *OACAS Statistical Reports*: For additional activity statistics beyond what is collected through the MCYS Quarterly Reports. Note two Aboriginal CASs are not OACAS members, resulting in this dataset being an incomplete dataset.
- *Other*: Ministry of Finance population projections, Statistics Canada, Canadian Incidence Study of Reported Child Abuse and Neglect (CIS and OIS), and various publicly available reports and data sources on child demographics and child welfare activity.

Commissioned Research

- *Child Welfare Landscape*: The Commission engaged a consulting firm to develop a profile of all aspects of child welfare in Ontario. The resulting 2010 paper is available on the Commission's website.
- *Other Consulting Support*: Consultants with subject matter expertise were engaged to undertake research and analysis in:
 - Funding approach and development of the hybrid funding model (Informetrica Inc.)
 - Early work relating to out-of-home services for children and youth (Steve Lowe & Associates)
 - Amalgamation plan development (KPMG)
 - Shared service models (SEG)
 - Aboriginal funding approach (MNP)

Primary Research

- *Foster Parent and Kin Parent Interviews*: 51 foster and kin parents were interviewed in support of the "Strengthening Family-Based Care" work.
- *"Close to Home" Survey*: A representative cross-section of six CASs completed a survey of the geographic placement of children in out-of-home care relative to their "home" communities.
- *"Length of Stay" Survey*: A representative cross-section of seven CASs completed a survey of the length of time children have been in their care during the previous twenty-four months.
- *Agency Case Studies*: Six CASs were either visited or participated through teleconference to develop "case studies" to inform the Commission's work relating to the scope of child welfare services.

- *Case studies of Improvement:* Structured interviews were conducted with people responsible for child welfare services across the Canadian provinces, in selected United States and US children’s agencies, and local authority children’s services departments.
- *Ad hoc surveys and case studies:* The Commission also obtained information from CASs to inform various other areas of work including.

Secondary Research by Commission Staff

- Commission staff undertook research and analysis on a wide range of topic areas in support of the Commission’s work.
- Sources included:
 - Publicly available reports
 - Peer reviewed and other research journals
 - Reports and data provided to the Commission by various stakeholder groups (e.g. the OACAS, Aboriginal service providers, private out-of-home care agencies, mental health providers, etc.)
 - Websites and webinars
 - Books on child welfare policy and practice.

Academic Collaborations and Advisors

- *University of Toronto:* The OCANDS group at the Factor-Inwentash School of Social Work were the academic partners for work on the Phase 1 Performance Indicators.
- *Other Canadian research bodies* that provided considerable information, advice and support include:
 - *The Centre for Research on Children and Families* at the School of Social Work, McGill University
 - *Centre for Research on Educational and Community Services* at the University of Ottawa
 - *Practice and Research Together* (membership-based organization funded by CASs)
 - *Child Welfare Institute* (based at the Children’s Aid Society of Toronto)
 - *Research Outcomes and Measurement Branch* (MCYS)
- *International Advisors* included:
 - *Dr. Eileen Munro* at the London School of Economics, and author of the “Munroe Review of Child Protection in England”
 - *Dr. Fred Wolczyn* at Chapin Hall at the University of Chicago.

THE LIVED EXPERIENCE

On-site Agency Visits

- During the first half of their mandate, almost every CAS was visited by at least one Commissioner. Visits included a mix of discussions with:
 - Board members
 - Agency leadership
 - Agency staff and union leadership
 - Foster and kin parents
 - CAS clients and youth-in-care / former youth-in-care

- Community partners representing other community agencies, band leadership (Aboriginal communities), school boards, and others.

Advisory Groups / Working Sessions / Related Forums

- *Commission Working Groups* or Reference / Advisory Groups were established as needed to bring together subject matter experts from CASs, other sectors, and the MCYS to provide advice on:
 - Funding approach
 - Shared services
 - Accountability
 - Out-of-home services
- Several purpose-specific *Working Sessions / Forums* were convened with participation in-person and /or by teleconference to seek input. Examples include:
 - Strengthening Family-Based Care Working Session (1 day; approximately 40 participants)
 - Funding for urban centres with multiple CASs (2 meetings; 5 participants)
 - Phase 1 Performance Indicators Summit (1 day; approximately 120 participants)
 - Aboriginal accountability and outcomes for child welfare (1 meeting; approximately 20 participants)
 - Urban Aboriginal Seminar (1 day; approximately 20 participants)
 - Funding for Aboriginal child welfare (2 meetings; 10 participants)
 - Funding of Aboriginal CASs (1 day forum; 15 participants)

Submissions

- *2009-10 Regional Visits / Response Forms:* All CASs and MCYS Regional Offices were provided with a set of questions and invited to provide written responses as preparation for the Commission’s regional visits.
Areas explored included: unique local considerations, top three change priorities for sustainability; initiatives underway that should be built upon; etc.
- *Strengthening Family-Based Care Submissions* Formal requests for submissions were made to each of the membership organizations of providers of out-of-home services for children as well as the two groups representing youth / former-youth-in-care.
- *Unsolicited submissions* Over the course of its work, the Commission received and reviewed many unsolicited submissions from organizations and individuals providing perspectives on change priorities.

Consultations: OACAS

- *OACAS Sector-wide consultations:* The Commission attended and presented at sector-wide consultations hosted by the OACAS every November, March, and June, and also the “Local Directors Section Conference” held each fall.
- The Commission had opportunities to seek input at various other existing OACAS tables of sector leaders including:
 - *The OACAS Board of Directors*
 - *The Local Directors Section Executive*
 - *Various OACAS Advisory Committees and Structures.* E.g.
 - OACAS Funding Advisory Committee
 - OACAS Governance Advisory Committee

- OACAS Directors of Services Committee
- OACAS Accountability Advisory Committee
- OACAS Aboriginal Advisory Committee
- Caring for Children and Youth Council
- OACAS QNet (Quality Network)
- Francophone Services Steering Committee

Consultations: Aboriginal Service Providers and Leaders

In addition to consultations through agency visits and other activities already listed, the Commission sought input relating to Aboriginal child welfare in the following ways:

- *ANCFSAO (Assoc):*
 - Attended one board meeting
 - Attended two ANCFSAO conferences
 - Ongoing dialogue on an ad hoc basis with ANCFSAO leadership and members
- Met with Executive Directors and many staff and board members of all designated Aboriginal agencies, designated non-Aboriginal CASs serving large numbers of Aboriginal children, and many non-designated Aboriginal child welfare agencies.
- Attended multiple other forums, conferences, and tables relating to Aboriginal child welfare. Eg.
 - Provincial Native Child Welfare Conference (Fort Frances, 2010)
 - Aboriginal Child Welfare Forum (hosted by the Minister of Children and Youth Services, April 2011)
 - Tripartite Technical Table
- Visited several remote First Nations communities and met with Band Councils and Chiefs in these communities
- Had several consultations with the Minister’s Special Advisor on Aboriginal Child Welfare (2010-11)
- Met with leaders of various other Aboriginal organizations and leadership bodies E.g.
 - Native Women’s Association
 - Leadership of the Social Services portfolio of the Chiefs of Ontario
 - Social Services Coordination Unit of the Chiefs of Ontario
 - Several Grand Chiefs and other representatives of Political Territorial Associations
 - Representatives of communities served by non-Aboriginal CASs
 - Ontario Federation of Indian Friendship Centres
 - Métis Nation Ontario
 - Ministry of Aboriginal Affairs and Northern Development

Consultations: Other Service Providers and Stakeholders

- *Foster Parents and Private out-of-home care providers:* Attended and sought input at annual conferences of the four associated membership organizations in addition to several other meetings and consultation with organization leadership.
- *Other:* Meetings and consultations with:
 - The French Language Services Commissioner for Ontario and senior staff
 - Office of the Provincial Advocate for Children and Youth
 - Child and Family Services Review Board
 - Provincial Coroner’s Office

- Representatives of the bench and bar
- Representatives from other sectors including:
 - Children’s mental health
 - Education
 - Healthcare
 - Youth justice

Consultations: MCYS

- *Regional Office Visits:* During the first six months of their mandate, Commissioners visited and met with leadership from each of the eight MCYS regional offices
- *MCYS briefings:* Over the initial months of their mandate, Commissioners received multiple briefings by staff and leadership of MCYS on all aspects of child welfare policy and oversight.
- *The Gateway:* The Commission participated as an observer in meetings of the “Gateway”, the forum established by MCYS through which Ministry and sector leaders work together to reduce administrative burden.
- *Ongoing Consultations:* Throughout their mandate, Commissioners sought input from MCYS senior leadership and staff through meetings, individual conversations, and inclusion of MCYS representatives on Commission advisory groups.

Consultations: Youth and Former Youth-in-Care

In addition to meeting youth through agency visits and other activities already listed, the Commission sought input from youth through:

- *YouthCan* (facilitated by the OACAS)
 - Met with YouthCan leadership
 - Participated in two formal consultations organized by YouthCan’s YPAAG (Youth Policy Advisory and Advocacy Group)
 - Met with youth from the Grand River and NorthWest zones
- *Youth Leaving Care Hearings* (facilitated by the Office of the Provincial Advocate for Children and Youth):
 - Attended parts of each of two days of hearings at Queens Park to hear first hand accounts of youth experiences with out-of-home care.
 - Met with youth leaders of the Youth Leaving Care process
 - Participated together with former youth-in-care on a TVO panel discussion of the challenges facing youth leaving care.



Commission to Promote
Sustainable Child Welfare

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