

Chapter 33

Social Services—Protection of Children in Care

1.0 MAIN POINTS

This chapter describes our follow-up of management's actions on the seven outstanding recommendations we previously made relating to the Ministry of Social Services (Ministry) processes to protect children in care.

By March 2016, the Ministry had implemented two recommendations. It changed the frequency of its quality assurance reviews at the First Nations agencies to be the same as for its three service areas – annually. The Ministry also monitored quality assurance results and established targets for compliance with child protection standards.

The Ministry has more work to do on the remaining five recommendations. While it continues to actively work with its staff and First Nations agencies who provide services to children in care, and monitor compliance with its child-protection standards, progress on improving compliance with its child-protection standards is slow. The Ministry also needs to work with the First Nations agencies to receive all of the information it needs to monitor the well-being of children in care.

2.0 INTRODUCTION

Under *The Child and Family Services Act*, the Minister of Social Services can intervene on a child's behalf if the child is in need of protection due to physical, sexual, or emotional abuse or neglect.

In our *2013 Report – Volume 2*, Chapter 24, we reported on the Ministry's controls to protect children in care. We had seven outstanding recommendations related to the Ministry's processes to protect children in care.

To conduct this review engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook – Assurance*. To evaluate the Ministry's progress towards meeting our recommendations, we examined agreements, quality assurance reports, and other relevant documents. We also had discussions with various Ministry staff.

3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at March 24, 2016, and the Ministry's actions up to that date. We found that the Ministry implemented two recommendations, and continues to work on the remaining five.



3.1 Better Compliance with Ministry Child-Protection Standards Needed

We recommended that the Ministry of Social Services follow its processes to ensure that children in care are protected. (2003 Report – Volume 3; Public Accounts Committee agreement September 28, 2004)

Status – Partially Implemented

At March 31, 2015, 17 First Nations agencies and 3 service areas¹ provided services to children in care. The Ministry has established rules and procedures to protect children who are in the care of the Minister (child-protection standards). These standards apply to all children in care; this includes children who are under the care of First Nations agencies, and those who are under the care of the Ministry in its three service areas.

On an annual basis, the Ministry conducts quality assurance reviews to monitor the compliance of First Nations agencies and service areas with its child-protection standards. As part of these reviews, it measures and tracks compliance rates. **Figure 1** sets out the last two years of Ministry’s quality assurance findings expressed as average compliance rates.²

As shown in **Figure 1**, the average compliance rates for a number of key child-protection standards remained relatively low (around 50%) for both First Nations agencies and its own service areas for a number of key standards. Lack of compliance with its standards increases the risk that children in care may not receive the care they need.

Figure 1—Actual Compliance Rates with Child-protection Standards

	First Nations Agencies		Ministry Service Areas	
	2014-15	2013-14	2014-15	2013-14
# Agencies Reviewed	8	9	2	1
Maintain current child development plans every 120 days	56%	56%	58%	53%
Have contact with the child within the first two days of placement	40% ^A	56%	54% ^B	40%
Complete home safety checks at foster homes	81%	64%	63%	72%
Review foster homes on an annual basis	72%	54%	57%	65%
Complete criminal record checks at the time of home study	72% ^C	77%	93% ^D	71%

Source: Ministry of Social Services Quality Assurance Reports.

^A Compliance ranged from 0% to 89% in 2014-15 (2013-14: 28 to 88%).

^B Compliance ranged from 33% to 57% in 2014-15.

^C Compliance ranged from 33% to 96% in 2014-15 (2013-14: 45% to 91%).

^D Compliance ranged from 93% to 94% in 2014-15.

¹ The Ministry has divided the province into three service areas (i.e., South, Centre, and North).

² At March 9, 2016, the Ministry had not finalized its 2014-15 Quality Assurance Reports for nine First Nations agencies and one service area.

We recommended that the Ministry of Social Services adequately monitor the First Nation Child and Family Services agencies' compliance with the Ministry's standards for approval of out-of-home care providers. (2008 Report – Volume 3; Public Accounts Committee agreement December 9, 2008)

Status – Partially Implemented

The Ministry's child-protection standards include procedures related to out-of-home care providers. For example, a key procedure for approving out-of-home care providers is the completion of criminal record checks for all adults living in the home. As shown in **Figure 1**, criminal record checks are not always done. For 2014-15, the average compliance rate for criminal record checks ranged from 72-93% for First Nations agencies and service areas.

Making sure criminal record checks are obtained prior to granting out-of-home providers approval to provide care reduces the risk that a child is put in an unsafe environment.

3.2 Monitoring Achievement of Targets

We recommended that the Ministry of Social Services monitor quality assurance results, establish increasing and achievable targets for compliance with child protection standards in its own service areas and at First Nation Child and Family Services agencies, and work to achieve those targets. (2012 Report – Volume 2; Public Accounts Committee agreement June 17, 2014)

Status – Implemented

The Ministry routinely monitors quality assurance results to baseline data.

Each year, the Ministry prepares quality assurance reports on service areas and First Nations agencies that it assessed in that year. It makes recommendations to help staff of service areas and agencies improve their compliance with its standards. Ministry staff discusses these recommendations with the staff of the related service area, or First Nations agency management prior to finalizing the report. The Ministry requires service-area staff, and First Nations agencies to provide it with a response and action plan to address recommendations. The Ministry monitors whether the service area and First Nations agency complete the planned actions.

In 2016, the Ministry started to review its service areas and the First Nations agencies to understand the conditions within each service area and agency. During these reviews, the Ministry identified key child protection standards to be targeted for measured improvement. These key child protection standards include:

- › Child protection contact standards
- › Child care contact standards



- › Risk assessments and risk re-assessments
- › Family reunification assessments
- › Annual reviews for resource providers (e.g., foster homes)
- › The two standards which had the lowest compliance rate during the review period

The Ministry has set a longer-term target of 85% compliance for each child protection standard. Each year, the Ministry makes recommendations outlining the level of improvement required for the child protection standards. For example, in 2016, the Ministry and the First Nations agencies agreed to target a 5-10% increase in compliance rates from the previous year with the child protection standards. This process is expected to continue until a compliance rate of 85% is achieved.

3.3 Consistent Receipt of Complete and Timely Reports on Children in Care on Reserves Needed

We recommended that the Ministry of Social Services implement a system to know how many children are the Minister's responsibilities, who they are, and where they live. (2008 Report – Volume 3; Public Accounts Committee agreement December 9, 2008)

Status – Partially Implemented

We recommended that the Ministry of Social Services make agreements with First Nation Child and Family Services agencies to require timely and relevant information to ensure proper care for children who are wards of the Minister. (2008 Report – Volume 3; Public Accounts Committee agreement December 9, 2008)

Status – Partially Implemented

Since 2012, the Ministry has used its electronic case management system (Linkin) to assist in monitoring and tracking children who are in the care of the Minister. Using Linkin, the Ministry tracks children in care off reserve by foster home.

Each First Nations agency is required to monitor and track children in care on reserve and report this information to the Ministry. At March 2016, the Ministry continued to not receive all of the agreed-upon information from First Nations agencies related to children in their care.

In 2013 and 2014, the Ministry signed new delegation agreements with 15 of the 17 First Nations agencies who provide services to children in care. Two First Nations agencies (Yorkton Tribal Council and Saskatoon Tribal Council) continued to refuse to sign the new delegation agreements with the Ministry. The Yorkton Tribal Council continues to work with the Ministry on the outstanding matters related to the agreements' reporting and accountability provisions. It submits monthly reports on children in its care. The

Ministry indicated that negotiations continue with the Saskatoon Tribal Council on a data sharing protocol to address reporting and accountability for children in its care.

In each of its agreements with the 15 First Nations agencies, the First Nations agencies agree to submit, to the Ministry, monthly or annual reports of all the children taken into care.

We found that the Ministry did not always receive monthly reports from the First Nations agencies on a timely basis. Only 56% of the agencies we sampled submitted monthly reports within six weeks after the end of the reporting month.

We also found that for 67% of the monthly reports we sampled, the reports did not include all of the agreed-upon information. For example, the reports did not always include the caregiver's name, or the admission date of the child in care.

Also in these agreements, the First Nations agencies agree to submit to the Ministry, on an annual basis, other information related to child and family services provided. Such information is to include a listing of agency staff with qualifications, completion of criminal record checks, and clearances from the child abuse registry. We found that 50% of the First Nations agencies we sampled did not provide the annual agreed-upon information to the Ministry.

Without receipt of timely and relevant information from the First Nations agencies, the Ministry cannot ensure children who are in the care of the Minister are properly tracked and cared for.

3.4 Access to All Child Protection Files Held by Saskatoon Tribal Council Needed

We recommended that the Ministry of Social Services conduct reviews to monitor compliance with child protection standards at First Nation Child and Family Services agencies as often as it does for its own service areas. (2012 Report – Volume 2; Public Accounts Committee agreement June 17, 2014)

Status – Implemented

We recommended that the Ministry of Social Services seek regular personal contact with children who are wards of the Minister and regularly review the First Nation Child and Family Services agencies' child protection files. (2008 Report – Volume 3; Public Accounts Committee agreement December 9, 2008)

Status – Partially Implemented

Starting in 2014, the Ministry increased the frequency of its quality assurance reviews of First Nations agencies providing services to children in care from every three years to annually. Carrying out reviews annually is consistent with the frequency of the reviews conducted at the Ministry's service areas.



Other than the Saskatoon Tribal Council, the Ministry had access to all childcare files and other resource files (e.g., foster care home files) for all First Nations agencies when completing its annual quality assurance review. For the Saskatoon Tribal Council, in 2014-15, the Ministry's access was limited to childcare files of the children who were transferred from the Ministry to the Saskatoon Tribal Council. As a result, its annual quality assurance review of the Saskatoon Tribal Council was not complete in that it did not include a review of other childcare files, family service files, or resource files.

Without access to all files relating to children in care, the Ministry cannot determine if children are properly cared for and protected.