

Chapter 46

Social Services—Protecting Children in Care

1.0 MAIN POINTS

By August 2018, the Ministry of Social Services had improved its processes to protect children in care. The Ministry implemented four of five remaining recommendations and partially implemented one recommendation.

The Ministry adequately monitored whether its staff and First Nation Child and Family Services agencies who provide child protection services complied with the Ministry's child protection standards. Monitoring compliance with standards helps the Ministry protect children in care.

While the Ministry has robust agreements with First Nations agencies who provide child protection services, it needs to receive timely and accurate reports from them. This would enable the Ministry to monitor the well-being of children in care throughout the year.

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. The Ministry has services designed to protect children from abuse or neglect and provides care for children requiring protection and out-of-home care (e.g., foster care).

Children placed in out-of-home care can be either wards or non-wards.¹ The Minister assumes legal responsibility for wards and acts as a parent with the rights and obligations of a parent. For children who are wards of the Minister, the Ministry continues to be responsible for ensuring those children receive appropriate care whether on or off reserve.

At March 31, 2018, 17 First Nations agencies and the Ministry's three services areas provided services to children in out-of-home care.² At March 31, 2018, the Ministry reported it had 5,257 children in out-of-home care. Of those children, 1,980 children were non-wards and 3,277 children were wards of the Minister. Of those children who were wards of the Minister, the Ministry's staff (caseworkers) cared for 94.3% of the children and First Nations agencies cared for 5.7% of the children.³

This chapter describes the results of our second follow-up of the actions of the Ministry on five outstanding recommendations related to the Ministry's processes to protect children in care. In our *2013 Report – Volume 2*, Chapter 24, we reported on the Ministry's controls to protect children in care. There were seven outstanding recommendations. By March 2016, as reported in our *2016 Report – Volume 1*, Chapter 33, the Ministry had implemented two of the seven recommendations.

¹ A non-ward is a child that the courts may place in the custody of a person of sufficient interest (i.e., has a close connection with the child) rather than the Minister.

² The Ministry has divided the province into three service areas (i.e., south, center, north).

³ First Nations agencies also care for children who are under the responsibility of Indigenous Services Canada. At March 31, 2018, First Nations agencies were also responsible for the care of 1,059 children.



To conduct this follow-up audit engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook – Assurance* (CSAE 3001). To evaluate the Ministry's progress towards meeting our recommendations, we examined agreements, quality assurance reports, and other relevant documents. We also tested a sample of monthly and annual reports, and interviewed Ministry staff as necessary.

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 August 24, 2018, and the Ministry's actions up to that date. We found that the Ministry fully implemented four recommendations and partially implemented the remaining recommendation.

3.1 Compliance with Standards Adequately Monitored

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 – Implemented

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 – Implemented

The Ministry adequately monitors its service areas and First Nations agencies' compliance with Ministry standards to ensure children in care are protected.

The Ministry has detailed rules and procedures (standards) that caseworkers are to follow to help protect children in care. These standards apply to all children, including those who are in the care of First Nations agencies. They set out specific processes for providing out-of-home care. For example, standards define requirements for child development plans, and how often caseworkers must meet with foster parents and children. In addition, they include procedures about out-of-home care providers (e.g., completing criminal record checks on all adults living in the home at time of home study).

The Ministry, through its Quality Assurance Unit, conducts annual quality assurance reviews to monitor compliance of First Nations agencies and service areas with its standards.

For each review, the Quality Assurance Unit prepares a findings report. Reports include recommendations to help staff improve compliance with standards. The Unit vets its reports with management who are the focus of its review (e.g., service areas) prior to issuing the final report. The Ministry requires staff to provide it with a response and action plan to address the recommendations. The Ministry monitors whether the service areas and the First Nations agencies complete the planned actions.

The Ministry has dedicated staff to work with First Nations agencies to resolve identified issues. Since 2016, staff who work with First Nations agencies develop work plans to assist the First Nations agencies in addressing recommendations from annual quality assurance reviews. Work plans are to set out objectives, results expected, and work undertaken.

For example, the one work plan we examined included an objective to enhance service delivery on reserve. It outlined that Ministry staff would support the First Nations agency's supervisor in understanding and using the child protection standards. Staff met with the First Nations agency at least once a month and provided training, on-site support, and reviewed policies.

We found the Unit's reviews and the Ministry's follow up of its recommendations sufficient and robust.

The Ministry recognizes compliance with each child protection standard (compliance rate) will vary from year-to-year given a number of factors (e.g., turnover of child protection workers).

The Ministry has set a longer-term target of 85% compliance for each child protection standard. Each year, the Ministry assesses the compliance rate and outlines the level of improvement required for the standard for the next year.⁴ It expects to continue this process until a compliance rate of 85% is achieved.

As shown in **Figure 1**, we found the compliance rates for a number of key child protection standards varied over the last three years as the Ministry expects. Over the last three years, the Ministry's service areas and the First Nations agencies improved compliance with some standards (e.g., completed criminal record checks) whereas compliance declined for some others (e.g., maintaining current child development plans).

Figure 1—Compliance Rates with Child Protection Standards

Child Protection Standard	First Nations Agencies			Service Areas		
	2015	2016	2017	2015	2016	2017
Maintain current child development plans every 120 days	67%	73%	61%	50%	65%	51%
Have contact with the child within the first two days of placement	42%	62%	33%	48%	70%	67%
Complete home safety checks at foster homes	76%	70%	69%	63%	71%	88%
Review foster homes on an annual basis	66%	69%	59%	59%	58%	73%
Complete criminal record checks at the time of home study	72%	76%	77%	84%	88%	90%

Source: Ministry of Social Services quality assurance reports.

We found the Ministry actively monitors compliance rates, and took steps to improve compliance with specific standards when they are lower than it expected.

⁴ Management indicated that if the target compliance rate is not met during the year, the target would remain unchanged the following year (i.e., targets would not decrease).



3.2 Child Protection Files Reviewed

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 – Implemented

The Ministry seeks regular personal contact with children who are wards of the Minister, and regularly reviews the First Nations agencies' child protection files to monitor their contact with children in the care of the agency.

Since June 2016, the Ministry has had access to all child-care files and other resource files (e.g., foster care home files) of all First Nations agencies providing child protection services.⁵ The Ministry's Quality Assurance Unit examines these files as part of its annual review mentioned in **Section 3.1**.

The Ministry's Quality Assurance Unit examines, on site, and assesses the case management practices and compliance with established child protection standards of each First Nations agency each year.

We found that in 2016 and 2017, the Quality Assurance Unit reviewed child-care files and other resource files that were formerly the responsibility of the Saskatoon Tribal Council.⁶

We found the Quality Assurance Unit monitored case management practices and compliance with standards of each First Nations agency, as expected.

3.3 Agreements in Place with First Nations Agencies

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 – Implemented

The Ministry has signed delegation agreements with 16 of the 17 First Nations agencies who provide services to children in care. It intends to sign a delegation agreement with the remaining First Nations agency, Yorkton Tribal Council, in the near term.

As of August 2018, the Ministry is working with the Yorkton Tribal Council on matters related to reporting and accountability (e.g., submitting monthly reports on children in

⁵ In June 2016, the Ministry terminated its delegation agreement with Saskatoon Tribal Council. It took responsibility to provide all child protection services to the First Nations Bands and their members that were previously under Saskatoon Tribal Council's authority.

⁶ Up to June 2016, the Ministry engaged Saskatoon Tribal Council to provide child protection services. The Saskatoon Tribal Council granted Ministry access only to the child care files of the children who were transferred from the Ministry to the Saskatoon Tribal Council. The Ministry was unable to review other child-care files, family service files, or resource files.

its care). The Ministry expects to sign the new delegation agreement with the Yorkton Tribal Council in the fall of 2018.

3.4 Consistent Receipt of Complete and Timely Reports from First Nations Agencies 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

The Ministry did not always receive from the First Nations agencies timely or complete information about how many children are the Minister's responsibility, who they are, and where they live.

Each First Nations agency, in agreements with the Ministry, agrees to give the Ministry monthly or annual reports of all children taken into care within prescribed timeframes.

Monthly reports are to include the name of the child, child's date of birth, date of intake (i.e., admission), caregiver name, and date of discharge (if applicable).

Annual reports are to include other information related to child and family services such as a listing of approved homes (e.g., foster homes), and a listing of agency staff with qualifications, completion of criminal record checks, and vulnerable sector checks.

We found the Ministry did not receive monthly reports within the agreed-upon dates (i.e., within six weeks after the end of the reporting month), and some reports did not include all of the required information. For 16 monthly reports we tested:

- The Ministry had received a listing of children taken into care.
- Just over one-tenth of the reports did not include the date of intake, and over one-half of them did not include the caregiver name. We found the Ministry did not request missing information.
- Over one-half were submitted between 33 to 291 days late. We found that the Ministry did not follow up late reports.

While the Ministry tracks the submission of annual reporting requirements using an excel spreadsheet, we found it did not check the completeness of information submitted or follow up with staff on missing reports or information. We also found the Ministry did not receive the annual reports within the agreed-upon dates (i.e., within three months after year end). For the annual reports of four First Nations agencies tested:

- Two reports missed some of the required annual information. For example, one report did not provide the list of approved homes, and the other did not provide a listing of agency staff with qualifications, completion of criminal record checks, and vulnerable sector checks. As of August 2018, the Ministry had not received these reports.



- Three reports had only part of the required information. For example, while the report provided a listing of agency staff with qualifications, it did not set out whether criminal record checks or vulnerable sector checks of those staff were done.
- Two reports were received 3 and 25 days late.

Without the receipt of timely and complete information from the First Nations agencies, the Ministry increases the risk of not having sufficient information to enable it to monitor the care of children receiving child protection services from First Nations agencies. The Ministry remains responsible for the care of children who receive child protection services from First Nations agencies.