

# *Funding the need*

## **OPSEU's position on child protection reform in Ontario**

Sector 4, Children's Aid Societies Sector Executive

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*Ontario Public Service Employees Union, 100 Lesmill Road, Toronto, Ontario M3B 3P8*

*[www.opseu.org](http://www.opseu.org)*

## Introduction

### A turning point for child protection reform

Following the release of the annual Auditor General's Report in December 2015, the Premier of Ontario, Kathleen Wynne, directed the Minister of Children and Youth Services (MCYS), Tracy MacCharles, to further reform the child protection system. Auditor General Bonnie Lysyk highlighted systemic problems with child protection standards, lack of adequate ministry oversight, and problems with the implementation of the Child Protection Information Network (CPIN). The Premier, responding to the AG report, called for an overhaul of Children's Aid Societies (CASs). She said that change would be coming even if it meant "blowing up the system."<sup>1</sup> The Minister has been directed to further centralize the coordination of child protection services. She has not announced how she will proceed.

CAS agencies have been restructuring for decades. The most recent government-commissioned expert panel, the *Commission on Sustainable Child Welfare*, released its recommendations to the government in 2012.<sup>2</sup> OPSEU, along with other unions, made submissions to the Commission highlighting the systemic obstacles that workers face in meeting ministry mandated standards. And yet, none of the Commission recommendations directly addressed frontline concerns.

Over the last four years, the employer association, the Ontario Association of Children's Aid Societies (OACAS), has moved to implement the Commission's key recommendations. The merger of 16 Children's Aid Societies via seven amalgamations, plus the implementation of a new funding formula and accountability agreements between CAS boards of directors and MCYS, resulted in lay-offs and uncertainty for many child protection workers.

**The Ministry needs to fund an increase in frontline worker positions in order to be able to provide service that places the child at the centre of care. Organizational restructuring will not increase direct service provision under current conditions.**

The release of the Auditor General's report followed a series of key events which propelled child protection services and MCYS to come under further public scrutiny in 2015:

- The Coroner launched an inquest into the death of Katelynn Sampson after she was murdered by her guardians.<sup>3</sup>
- The Office of the Provincial Child Advocate acquired new investigative powers over CASs to investigate both individual and systemic complaints as of March 1, 2016.<sup>4</sup>

- Justice Susan Lang’s review of the failures of Sick Kids hospital’s Motherisk program pointed to lack of oversight and the unwarranted loss of custody of some children who were brought into care.<sup>5</sup>
- The Ontario Human Rights Commissioner asked that CASs begin to track ethnicity, pointing out an over-representation of black children in care.<sup>6</sup>
- In 2016, the Canadian Human Rights Tribunal ruled Canada discriminates against First Nations children by underfunding the on-reserve agencies charged with ensuring their safety.<sup>7</sup>

## OPSEU’s position on child protection reform:

- 1) **Fund the need.** In 2014-15, MCYS made transfer payments to 47 CASs in the amount of \$1.47 billion. The new funding formula does not take into account the actual time required for workers to meet ministry standards. We need more workers in the system.
- 2) **Reduce the documentation burden.** The layers of administrative requirements and oversight have dramatically increased over the last ten years of restructuring. The paperwork burden must be reduced.
- 3) **Implement a fully functional central data base.** The pilot implementation of the Child Protection Information Network (CPIN) has been plagued with problems. The ministry must fix outstanding problems and consult with child protection workers before proceeding with further implementation. The ministry underestimated the cost of implementation and spent an additional \$50 million in excess of the original estimate of \$150 million to implement CPIN in 14 CASs. The ministry has not adequately funded agencies to cover additional worker time spent inputting data even with the significant cost overruns. The data migration contract with 14 CASs spiraled from \$3 million to a total cost of \$9.5 million.<sup>8</sup>
- 4) **Establish caseload benchmarks.** The average number of family protection cases varies across each agency. The Auditor General reported that cases ranged from a low of eight to a high of 32 per month. MCYS needs to develop standard caseload benchmarks for child protection services to ensure that caseloads are reasonable;<sup>9</sup>
- 5) **Invest in social infrastructure, invest in children.** If we are a truly a caring society, the success of all children should be supported by significantly more spending on structural solutions such as: universal public day care, a living wage, quality subsidized housing, and access to recreation. Until policy makers and citizens are prepared to consider radical, structural solutions that address marginalization and poverty, some children will always be at greater risk of higher rates of involvement with the child protection system.

- 6) **Strike a central bargaining table for the child protection sector.** The government has recognized the need for better coordination of services across the sector. This level of coordination should be reflected in setting workplace standards through a central bargaining process to ensure that all workers benefit from fair and equal working conditions.

## Auditor General's report: key concerns

The 2015 Auditor General's report identified a critical gap between the MCYS requirement that child protection standards be followed and workers' ability to meet those standards with current workloads. The report highlights that standards are not being met across the system of CAS agencies that were reviewed. The findings confirm that workload is a system-wide problem, yet agencies continue to place emphasis on individual worker time-management. The report also recommends further amalgamation of services. The nominal savings gained by amalgamating services cannot meet the need to fund more direct service to clients. Any amalgamation needs to protect the vital role of administrative staff in providing support to frontline work. Key findings include:

- **Societies may be closing child protection cases too soon.** In more than half the files that were reviewed and subsequently reopened, the circumstances and risk factors that were responsible for the subsequent reopening of the case had been present when the case was initially closed. On average, the subsequent reopening of the case occurred within 68 days.
- **Societies did not complete child protection investigations on a timely basis, and did not always complete all required investigative steps.** In more than one-third of investigations, safety assessments were either not conducted or not conducted on time. None of the child protection investigations were completed within the required 30 days of the Society receiving the report of child protection concerns. On average, the investigations were completed more than seven months after the Society's receipt of the report.
- **Societies did not always conduct timely home visits and service plan reviews in cases involving children still in the care of their family.** In more than half the files, Society caseworkers were able to visit the children and their families at home only every three months, instead of once a month as required by protection standards. In more than half the cases reviewed, Service Plan reviews were not conducted every six months as required.

- **Societies did not always complete and review Plans of Care on a timely basis in cases involving children in Societies' care.** In about one-third of cases, plans designed to address, among other things, a child's health, education, emotional and behavioural development, and self-care skills were not completed or reviewed on a timely basis.
- **Societies did not always conduct child protection history checks on individuals involved with the children.** In some of the cases, Societies did not check their own records and the province's database of all Societies' records to identify the prior history of the people involved with the children. Also in more than half of the files reviewed where allegations of abuse were made, Societies did not check against the Ontario Child Abuse Register to determine whether there was a record of abuse relating to the child, the family or the alleged abuser.
- **The Continued Care and Support for Youth (CCSY) program is not fully achieving its objective of preparing youth for transition out of care.** In 2013, the Ministry eliminated the requirement for youth to work toward achieving established goals in order to continue to receive financial and non-financial CCSY supports. This limited, to an extent, the ability of Societies to influence youth to work toward these goals.
- **Opportunities exist to ensure that funding is better used to provide direct services to children and their families.** For example, cost efficiencies could potentially be achieved through amalgamations of neighbouring societies to realize economies of scale and through centralizing some administrative functions that are currently performed separately by Societies.<sup>10</sup>

## Child protection – a community responsibility

The Auditor General did not take into account underlying structural issues facing families that come into contact with the child protection system. Families who struggle with overwhelming challenges related to poverty, violence, addiction, and mental health issues are overrepresented in the CAS system. These children are the responsibility of the larger social service system. Societal neglect of children is greatly influenced by unemployment, poor housing, lack of universal daycare, lack of access to nutritious food, and lack of access to recreation. Until policy makers and citizens are prepared to consider radical structural solutions that address marginalization and poverty, some children will always be at greater risk of higher rates of involvement in the child protection system.

## OPSEU calls on the Minister to strike a Community Task Force

In response to the Premier's call for child protection reform, the OPSEU Executive Board has moved the following resolution for debate at the annual OPSEU convention in April 2016.

**WHEREAS** the Auditor General's Report of 2015 identified serious problems in Ontario child protection agencies, including a lack of oversight, failure to meet ministry protection standards for investigations, an absence of ministry caseload standards for workers, and inadequate funding to implement the province-wide Child Protection Information Network (CPIN); and

**WHEREAS** the Premier has directed the Minister of Children and Youth Services, Tracy MacCharles, to come up with solutions to centralize and improve the coordination and oversight of child protection services; and

**WHEREAS** racialized children, aboriginal children, children from single-parent or newcomer families, and children with disabilities are more likely to experience poverty-related needs due to caregiver struggles with low incomes, mental health or addiction problems, and/or inadequate housing, and are over-represented in the child protection system; and

**WHEREAS** what society calls neglect – a form of child maltreatment – is often linked to poverty and correlates with unemployment, poor housing, lack of universal daycare, lack of access to nutritious food, and lack of access to recreation; and

**WHEREAS** the Ministry of Children and Youth been implementing restructuring policies in the child welfare sector for more than 10 years and has never sought out a broad-based consultation from the various community stakeholders that also work with children and families involved with CASs;

**THEREFORE BE IT RESOLVED THAT** OPSEU call on the Minister to strike a broad-based Community Task Force to recommend reforms to renew the child protection system in Ontario; and

**BE IT FURTHER RESOLVED THAT** this Task Force include frontline OPSEU child protection workers, teachers, First Nations advisors, anti-poverty organizations, domestic violence groups, and public health and housing advisors; and

**BE IT FURTHER RESOLVED THAT** the Task Force submit recommendations to the Minister that will extend beyond the bureaucratic restructuring of agency functions and will instead address the problems that place children of colour, First Nations children and poor children in disproportionate contact with the child protection system.

## Notes

- <sup>1</sup> Cohn R. Martin (2015, December 22). "Premier ponders blowing up our CAS mess: Cohn." The Toronto Star.
- <sup>2</sup> Commission to Promote Sustainable Child Welfare (2012). Final Report, Realizing a Sustainable Child Welfare System in Ontario. Available at <http://cwrp.ca/sites/default/files/publications/en/CPSCW-Realizing-a-Sustainable-Child-Welfare-System-in-Ontario-Sept2012.pdf>
- <sup>3</sup> Files from Canadian Press (February 29, 2015). "Katelynn Sampson inquest hears final arguments today." CBC News, Available at <http://www.cbc.ca/news/canada/toronto/katelynn-sampson-inquest-last-day-1.3468286>.
- <sup>4</sup> Ministry of Government and Consumer Services (2014). Ontario Strengthens Political Accountability, Enhances Oversight (Press Release). Retrieved from <https://news.ontario.ca/mgs/en/2014/03/ontario-strengthens-political-accountability-enhances-oversight.html>.
- <sup>5</sup> Honourable Lang, E. Susan (2015). *Report of the Motherisk Hair Analysis Independent Review*. Ontario Ministry of the Attorney General. Retrieved from <https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/lang/>.
- <sup>6</sup> Contenta, S. Monsebraaten, L. and Rankin, J. (January 11, 2016). "Ontario human rights chief calls for race-based stats for kids in care." The Toronto Star. Available at <http://www.thestar.com/news/insight/2016/01/11/ontario-human-rights-chief-calls-for-race-based-stats-for-kids-in-care.html>.
- <sup>7</sup> The Canadian Press (January 26, 2016). *Ottawa discriminated against kids on reserves, human rights panel says*. The Toronto Star. Available at <http://www.thestar.com/news/canada/2016/01/26/ottawa-discriminated-against-kids-on-reserves-human-rights-panel-says.html>.
- <sup>8</sup> Office of the Auditor General of Ontario (2015). Annual Report, Section 3.02, Child Protection Services – Children's Aid Societies.
- <sup>9</sup> Office of the Auditor General of Ontario (2015). Annual Report, Section 3.02, Child Protection Services – Children's Aid Societies. Available at <http://www.oacas.org/2016/01/responding-to-calls-for-change-in-the-ontario-child-welfare-system-toronto-star-op-ed/>.
- <sup>10</sup> Office of the Auditor General of Ontario (2015). Annual Report, Section 3.02, Child Protection Services – Children's Aid Societies.



Ontario Public Service Employees Union, 100 Lesmill Road, Toronto, Ontario M3B 3P8  
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Authorized for distribution by Warren (Smokey) Thomas, president.