



Office of the Child and Youth Advocate
PROVINCE OF NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT 2007-08

Message from the Child and Youth Advocate



I am pleased to present the Annual Report of the Office of the Child and Youth Advocate for the Fiscal Year ending March 31, 2008.

The mandate of the Office is contained in Section 3 of the *Child and Youth Advocate Act*. The Office is established to protect and advance the rights of children and youth, ensure their views are heard and considered, ensure they have access to services, provide advice to government regarding these services and review and investigate matters affecting the rights and interests of children and youth.

The 2007-08 year marked the first year in the current Business Plan. During this timeframe, the Office of the Child and Youth Advocate moved forward with the priority areas identified in the 2007-08 Business Plan. The achievements by the Office with respect to promoting awareness of the rights and interests of children and youth were significant.

This Report was prepared in accordance with the *Transparency and Accountability Act*. As the Child and Youth Advocate, I recognize my obligation under the Act and I am accountable for the achievement of the specific goals and objectives set out in the 2007-08 Business Plan and reported in this document.

Darlene Neville

Darlene Neville
Child and Youth Advocate

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1.0 Overview

The Office of the Child and Youth Advocate is considered a Category Two Government Entity within the context of the *Transparency and Accountability Act* (the "Act"). In accordance with the Act, the Office's Business Plan outlined the priorities for the 2007-08 Fiscal Year. This Annual Report identifies the Office's progress during 2007-08 in achieving the objectives set out in the Business Plan.

The Office of the Child and Youth Advocate opened on November 18, 2002. The Office was established by statute, *The Child and Youth Advocate Act*, which was proclaimed on May 12, 2002.

The current Child and Youth Advocate, Darlene Neville, was appointed to the position of Child and Youth Advocate on August 1, 2005. The Advocate is an Independent Officer of the House of Assembly and reports directly to the Legislature through the Speaker of the House. The staff of the Office of the Child and Youth Advocate are members of the Public Service, Government of Newfoundland and Labrador.

Advocacy services are provided to children and youth through a central office located at 193 LeMarchant Road, St. John's with outreach to all areas of the province. Services can be accessed through office visits, advocacy clinics held by staff throughout the province, use of a toll-free number and the website.

During the Fiscal Year 2007-08, the Office had nine approved permanent staff positions including: one Research/Review Assistant; one Senior Advocacy Services Specialist; one Systemic Advocacy Consultant; three Advocacy Services Specialists; one Executive Secretary; one Administrative Officer and one Word Processing Equipment Operator.

Vision

The vision of the Office of the Child and Youth Advocate is a province where the rights and interests of every child and youth are protected and respected and each child and youth has access to all the government services they require.

Mission Statement

By 2011, the Office of the Child and Youth Advocate will have enhanced its processes to support increased awareness of the rights and interests of children and youth within the province.

The mission statement identified the priority focus areas of the Child and Youth Advocate. It represented the key longer-term results that the Office of the Child and Youth Advocate worked towards as it implemented its Business Plan for the Fiscal Year ending March 31, 2008.

Increased awareness through public education was required to ensure that children and youth were aware of their rights and the existence of government services and programs related to their needs. Promoting accessibility to government services and programs was determined to be integral to promoting and advancing the rights of children and youth. Therefore, promoting awareness of the rights and interests of children and youth, with a view to enhancing the delivery of advocacy services, constituted the priority focus of the Office of the Child and Youth Advocate for the Fiscal Year 2007-08.

Lines of Business

The *Child and Youth Advocate Act* mandates the Advocate to provide advocacy services on behalf of children and youth in four main capacities:

- Individual/Group Advocacy
- Emerging Issues/Systemic Advocacy
- Reviews and Investigations
- Public Education

Individual Advocacy

Individual Advocacy includes the provision of information, self-advocacy, basic and comprehensive advocacy services. Individual Advocacy differs depending upon the type of intervention provided.

- Information - involves the provision of information and/or referral to another government department, board, or agency.
- Self-Advocacy Assistance - involves the provision of information regarding programs, services, appeal procedures, options, and strategies, and may include coaching.
- Basic Advocacy Intervention - involves the provision of advocacy services requiring consultation and/or referral to other agencies and is usually completed within a short time frame. Advocacy staff engage in problem-solving strategies; make initial calls to service providers; and provide self-advocacy assistance.
- Comprehensive Advocacy Intervention - involves the provision of intensive advocacy intervention when basic advocacy intervention and/or self-advocacy assistance is not sufficient. Comprehensive Advocacy Intervention may involve in-depth self-advocacy coaching; meetings with multiple service providers; meetings with the child or youth and/or his or her natural advocate;
- attending/arranging case conferences/meetings; and engaging in alternate dispute resolution processes.

Emerging Issues/Systemic Advocacy

Emerging issue files relate to issues that appear to be impacting a group(s) of children and youth, but require further research to determine if the issues are systemic. Often, individual files highlight emerging issues which require further advocacy work. If an emerging issue is determined to be systemic, the emerging issues file is closed, and a systemic file is opened.

Systemic issue files are opened when issues presented to the Office of the Child and Youth Advocate impact a group(s) of children and youth and, therefore, require advocacy from a systemic perspective.

Reviews/Investigations

Reviews and investigations are carried out pursuant to Sections 15(1) and (c) of the *Child and Youth Advocate Act*. The Child and Youth Advocate may review or investigate a matter on behalf of a child or youth, or group of them, whether or not a complaint has been made and may conduct an investigation if advocacy, mediation, or another dispute resolution process has not resulted in an outcome satisfactory to the Advocate.

Public Education

Section 3 of the *Child and Youth Advocate Act* requires the Advocate to “protect and advance the rights of children and youth.” In fulfillment of this mandate, advocacy staff engage children and youth, child and youth serving agencies, government departments, and the general public in discussions and consultations regarding issues affecting children and youth in Newfoundland and Labrador. Also, staff provide presentations to such groups regarding the rights of children and youth.

2.0 Highlights and Accomplishments

During the Fiscal Year 2007-08, advocacy staff responded to 592 new individual advocacy files. 428 individual advocacy files were closed during this period. Regional visits and advocacy clinics continued and the significant increase in the number of clinics conducted in the previous Fiscal Year 2006-07 was not only sustained, but increased as an additional three advocacy clinics were conducted throughout the Province.

There was a substantial increase in the number of presentations to students (K-12) which assisted the Office in moving forward with its mission “to support increased awareness of the rights and interests of children and youth within the Province”.

There was a significant increase in the number of meetings with government, board and agency officials during Fiscal Year 2007-08 which resulted in increased

opportunities for the Office of the Child and Youth Advocate to share its provincial experience and perspective, provide recommendations and promote systemic changes.

3.0 Results of Goals

Issue 1 - Awareness by Children and Youth

The *United Nations Convention on the Rights of the Child*, which Canada has ratified, is an International recognition of the rights of children and youth. It has also been recognized by the United Nations and party states to the *Convention* that the rights and interests of children and youth require protection and advancement.

The experience of the party states to the *UN Convention on the Rights of the Child* strongly supports the need for increased awareness amongst children and youth of their rights and of the government programs and services which enable them to exercise these rights. This awareness is viewed as essential to achieving the overall objectives of the protection and advancement of the rights and interests of children and youth.

Goal:

By April 1, 2008, the Office of the Child and Youth Advocate will have improved its educational advocacy services to children and youth throughout the province.

Measure:

Improved educational advocacy services

Indicators	Accomplishments 2007-2008
Increased number of advocacy clinics conducted throughout the province	The number of advocacy clinics conducted was significantly increased in the previous Fiscal Year due to the implementation of a new staffing model to include three front-line advocacy staff. During the Fiscal Year 2007-08, the number of advocacy clinics was further increased by three advocacy clinics.
Increased number of presentations throughout the province provided to students (K-12) and the number of students who attended	The Office conducted 59 presentations with 1,452 participants. This represents an increase in the Fiscal Year 2007-08 of 32 presentations and 645 participants from the Fiscal Year 2006-07.
Increased distribution of reports, brochures and advocacy calendars throughout the province	Baseline data regarding distribution of reports, brochures and advocacy calendars was not available for the previous Fiscal Year 2006-07. However, there was a significant increase in distribution as these items were provided to all student participants who attended the presentations. As stated above, the number of participants increased by 645 from the previous Fiscal Year.

Issue 2 – Recommendations to government regarding issues of a systemic nature affecting children and youth within the province

The legislative intent of the *Child and Youth Advocate Act* requires that the Office of the Child and Youth Advocate provide an independent perspective regarding the availability, effectiveness, responsiveness and relevance of services to children and youth within the province. This perspective is necessary to ensure that government is better informed of the issues impacting children and youth and, therefore, better able to ensure the issues are addressed appropriately.

When it has been determined by the Office of the Child and Youth Advocate that issues presented to the Office impact groups of children and youth within the province, a systemic advocacy approach is required. This approach requires preparation of formal reports provided to government which identify gaps in services and contain recommendations regarding the need for improvements in the areas of policy, legislation and service delivery related to children and youth.

Goal:

By April 1, 2008 the Office of the Child and Youth Advocate will have better informed government on issues of a systemic nature affecting children and youth within the province.

Measure:

Improved information

Indicators	Accomplishments 2007-2008
Increased number of formal reports containing recommendations provided to government regarding systemic issues affecting children and youth in comparison to 2007	The Office of the Child and Youth Advocate increased its number of recommendations regarding systemic issues affecting children and youth in comparison to the Fiscal Year 2006-07. During Fiscal Year 2007-08, the Child and Youth Advocate and/or her staff participated in 85 meetings with officials from government departments, boards and agencies where the anecdotal experience of the Office was shared and recommendations for systemic changes were advanced. This was a marked increase from participation in 72 meetings in the preceding Fiscal Year 2006-07 and therefore the goal of better informing government of issues of a systemic nature was achieved. In addition, the number of formal recommendations regarding systemic issues that were reduced to writing increased with two areas being addressed compared to one area in the preceding Fiscal Year.

Issue 3 - Reviews of Government Programs and Services

Pursuant to Section 15(1.)(a) of the *Child and Youth Advocate Act*, the Advocate is authorized to

receive and review a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate;

The *Child and Youth Advocate Act* provides discretionary powers to the Advocate to decide which cases involving the provision of government programs and services will be reviewed. However, in exercising this discretion, the Advocate considers cases where the information suggests the standard of service did not ensure the rights and interests of children and youth were protected and appropriately addressed.

The Advocate is also required to review matters brought to her attention by the specific direction of the Lieutenant-Governor-in-Council pursuant to Section 16(a) of the *Child and Youth Advocate Act*.

The underlying rationale for conducting Reviews of cases, where the inadequacies in areas of service and program delivery appear to be significant, is the requirement that

the Advocate identify these inadequacies and provide recommendations for the improved delivery of services in either the specific case under review or in the general delivery of services and programs to children and youth.

Goal:

By April 1, 2008 the Office of the Child and Youth Advocate will have supported the improvement of government services and programs provided to children and youth.

Measure:

Supported improved delivery of services

Indicators	Accomplishments 2007-2008
Number of recommendations contained in completed Reviews provided to government and released publicly.	<p>During the Fiscal Year 2007-08, the Advocate continued work on the reviews previously initiated pursuant to Section 15(1.)(a) of the <i>Child and Youth Advocate Act</i>. The refusal of several key informants to voluntarily participate in the reviews being conducted by the Advocate necessitated placement of the reviews on hold pending amendment to the <i>Child and Youth Advocate Act</i>. Work on the reviews continued to the extent possible.</p> <p>The Advocate expended considerable effort with respect to advancing the need for the <i>Child and Youth Advocate Act</i> to be amended to include subpoena powers required to ensure the completion of these reviews. The <i>Child and Youth Advocate Act</i> was amended in the 2008 Spring Session of the Legislature; however, the amendment occurred outside this reporting period.</p> <p>Despite the difficulties encountered, the goal of supporting improved delivery of services and programs to children and youth was met. The amendment to the <i>Child and Youth Advocate Act</i> to include subpoena powers provides the requisite authority to the Advocate not only to complete the reviews currently underway but ensures the Advocate has the authority, now and in the future, to continue to work, unimpeded, to ensure the rights and interests of children and youth are protected.</p> <p>The Advocate's efforts to obtain subpoena powers required several meetings with government officials wherein she not only advanced the need for subpoena powers, but supported the improvement of government services and programs provided to children and youth, thereby furthering this goal.</p>

4.0 Opportunities and Challenges Ahead

In order to achieve the broad legislated mandate of the Office of the Child and Youth Advocate “to protect and advance the rights and interests of children and youth”, it will be necessary to continue to combine both the advocacy and investigative roles.

This “dual” mandate will require the Office to continue to work collaboratively with other professionals involved in the delivery of services to children and youth while, at the same time, will require the Office to perform an oversight role in relation to the delivery of these very services.

During the Fiscal Year 2007-08, the lack of authority in the *Child and Youth Advocate Act* to compel participation in reviews and investigations prevented the Child and Youth Advocate from continuing the reviews and investigations underway due to the refusal of several key informants to participate voluntarily.

During this reporting period, the Child and Youth Advocate advanced the need for legislative revision to include subpoena powers. (The *Child and Youth Advocate Act* was amended by the Legislature during the 2008 Spring Session of the House of Assembly to provide subpoena powers to the Child and Youth Advocate; however, the legislative amendment occurred outside this reporting period.)

The greatest challenge for the Office of the Child and Youth Advocate will be to continue to act as a catalyst for change while striking a delicate balance between working towards common goals with child and youth service providers and, oftentimes, being critical of the very services they provide. The Office must continue to highlight the common goal of protecting and advancing the rights of children and youth shared by all.

5.0 Financial Statements

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2008 (unaudited).

	<u>Estimates</u>		
	Actual (\$)	Amended (\$)	Original (\$)
Office of the Child and Youth Advocate (5.1.01)			
Salaries	490,348	597,000	597,000
Employee Benefits	2,532	3,000	3,000
Transportation and Communications	48,854	98,100	100,000
Supplies	6,697	10,000	10,000
Professional Services	13,790	30,000	30,000
Purchased Services	115,756	121,400	147,300
Property, Furnishings and Equipment	6,864	6,900	5,000
Total: Office of the Child and Youth Advocate	<u>684,841</u>	<u>866,400</u>	<u>892,300</u>

Audited Financial Information will be included in the Annual Report of the House of Assembly Management Commission to be tabled by the Speaker during the next sitting of the House. The Office of the Child and Youth Advocate does not have a requirement for a separate, individual audited financial statement.