



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

**ANNUAL PERFORMANCE REPORT**

**2011-2012**



# Office of the Child and Youth Advocate

## PROVINCE OF NEWFOUNDLAND AND LABRADOR

### *Message from the Child and Youth Advocate*



I am pleased to present the Annual Performance Report for 2011-2012 for the Office of the Child and Youth Advocate. It reflects the Office's values, missions and goals for this planning cycle.

The past year has been a year of change and growth for the Office and as the Child and Youth Advocate appointed September 27, 2010, I am pleased to report that significant progress has been made towards achieving the goals outlined in the 2011-2014 Business Plan.

This Annual Performance Report Plan has been prepared in accordance with the *Transparency and Accountability Act* provisions for a Category Two entity. As Child and Youth Advocate, I recognize my obligation under the Act and I am accountable for the results reported herein.

**Carol A. Chafe**  
**Child and Youth Advocate**

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# 1.0 OVERVIEW

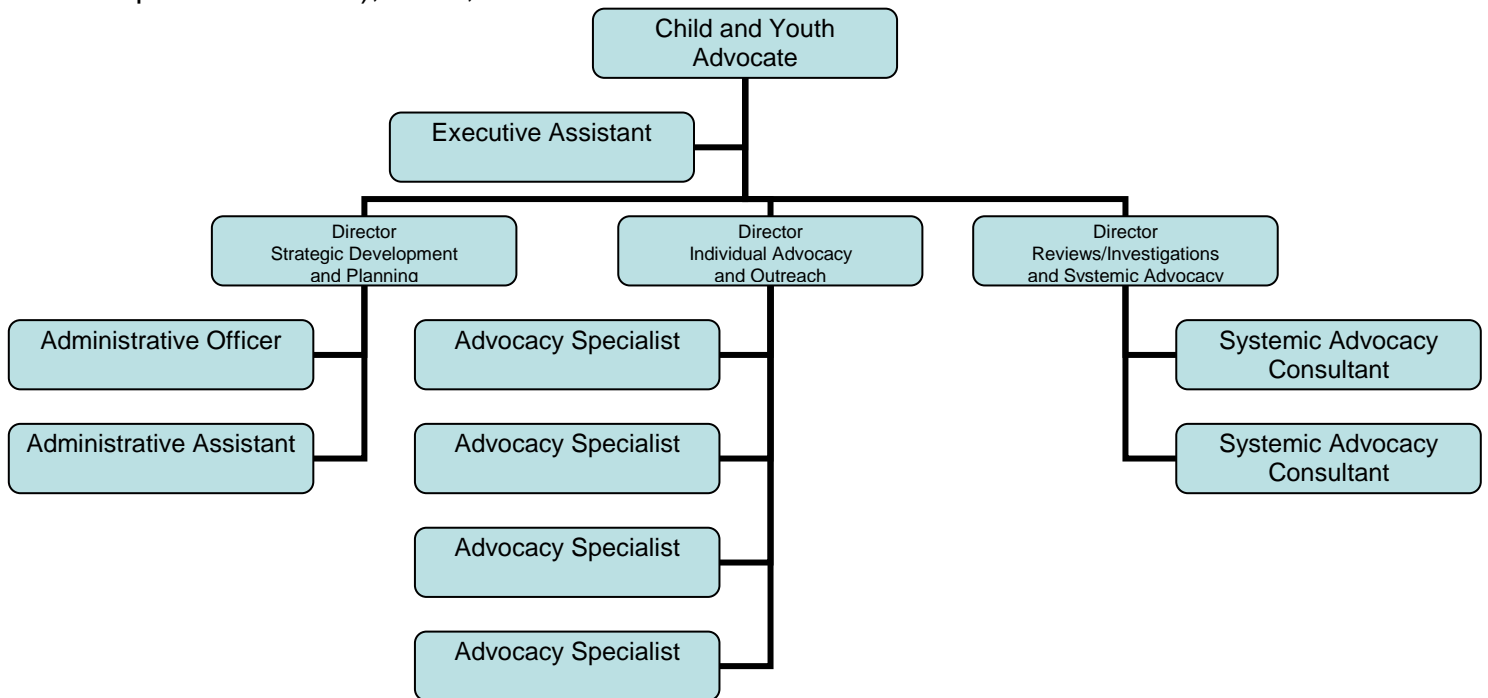
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The Office of the Child and Youth Advocate (OCYA) opened on November 18, 2002. The Office was established by statute, *The Child and Youth Advocate Act*, which was proclaimed on May 12, 2002.

The current Child and Youth Advocate, Carol A. Chafe was appointed to the position of Child and Youth Advocate on September 27, 2010 and confirmed by resolution of the House of Assembly on December 16, 2010.

The Advocate is a Statutory 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 of Newfoundland and Labrador.

Advocacy services are provided to children and youth through a central office located in St. John's with outreach to all areas of the province. Services can be accessed by visiting our office and by telephone (toll-free number and telephone for the hearing impaired available), email, fax and the website.



The Office has a total of 12 staff working with the Child and Youth Advocate; including the Director of Individual Advocacy and Outreach; Director of Reviews/Investigations and Systemic Advocacy; Director of Strategic Development and Planning; 4 Advocacy Specialists; 2 Systemic Advocacy Consultants; 1 Executive Secretary; 1 Administrative Officer; and 1 Administrative Assistant/Receptionist.

The House of Assembly Management Commission approved a budget of \$1,332,200 for the Office of the Child and Youth Advocate for Fiscal Year 2011-2012.

The details are noted below:

Salaries	\$993,900
Employee Benefits	\$5,000
Transportation and Communications	\$85,000
Supplies	\$10,000
Professional Services	\$30,000
Purchased Services	\$203,300
Property, Furnishings and Equipment	\$5,000
TOTAL	\$1,332,200

**Contact Information:**

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Web Site: [www.ChildAndYouthAdvocate.nl.ca](http://www.ChildAndYouthAdvocate.nl.ca)

## 2.0 MANDATE

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The Mandate of the OCYA is stated in Section 3 of the *Child and Youth Advocate Act*.

The OCYA was established with a mandate to:

- Protect and advance the rights and interests of children and youth through the provision of advocacy services.
- Ensure that children and youth have access to services and that their complaints receive appropriate attention.
- Inform the public about the needs and rights of children and youth.
- Provide information and advice to government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth.
- Make recommendations to government regarding legislation, policies, programs and services designed to meet the needs of children and youth.
- Conduct independent reviews and investigations.

In carrying out her duties, the Advocate may:

- Receive and review matters related to individuals or groups of children and youth.
- Advocate or use alternative dispute resolution mechanisms to resolve issues.
- Initiate and participate in case conferences, administrative reviews, mediation or other processes where decisions are being made regarding children and youth either individually or collectively.
- Meet and interview children and youth.
- Engage in public education.
- Make recommendations to government, agencies of government or communities regarding legislation, policies and practices respecting services or the rights of children and youth.
- Where alternative dispute processes are ineffective or inappropriate, conduct an independent investigation.
- Access information respecting a child or youth which is held by a government department or agency which is determined necessary to conduct the work of the Advocate.
- Enter a government or agency premises for the purpose of conducting a review or investigation.

- Publish reports related generally to the exercise and performance of his/her functions under the Act or to a particular case investigation by him/her.
- Submit an Annual Report to the House of Assembly.

**Scope of the Office:**

Section 2. (g) of the *Child and Youth Advocate Act*

The Office provides services to any child or youth under the age of 19 years old who is entitled to receive services from a department, agency or board of government. The age is extended to youth up to their 21<sup>st</sup> birthday where they are in a care or custody arrangement. The Advocate engages in both individual and systemic advocacy, public education and reviews and investigations on behalf of children and youth in the Province.

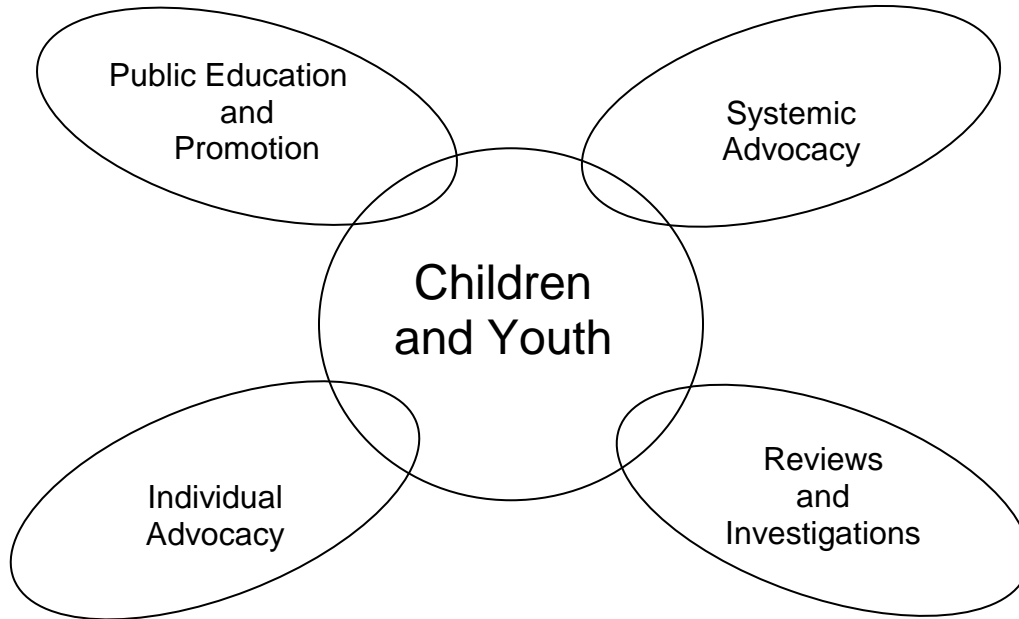
The Office operates from a rights-based perspective and applies the *United Nations Convention on the Rights of the Child* as the basis for its advocacy work. Canada has ratified the Convention and as a result, legislation, policies and procedures that govern services and programs for children and youth should be reflective of those rights.

**Principles:**

- Children and youth are our primary clients.
- Advocacy services must remain child focused.
- Children and youth must be treated with respect and their inherent dignity as human beings recognized.
- The right of privacy of the child, as well as all parties involved, must be respected in the advocacy process.
- Children and youth have the right to information and access to government services and programs.
- Children and youth have a right to speak, be heard and to participate in decision-making processes.
- Parents, extended family and significant others are natural advocates for children and youth.
- Actions are based on empowerment.
- Information is confidential unless there is risk of harm.
- Interventions are respectful, understanding and compassionate.
- Cultural diversity is recognized and respected.

## 3.0 LINES OF BUSINESS

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### Provision of Services:

The OCYA provides advocacy services to children and youth in four main capacities:

- **Individual Advocacy**
- **Systemic Advocacy**
- **Education and Promotion**
- **Reviews and Investigations**

### 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. These types of calls are usually opened and closed on the same day and involve very little action by the Advocacy Specialist.



- Self-Advocacy Assistance - involves the provision of information regarding programs, services, appeal procedures, options, and strategies, and may include coaching. These types of cases are usually very short term and can be opened and closed on the same day. Information may be mailed or e-mailed to assist the caller further, such as a copy of a policy or information regarding services and supports.
- 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. The cases usually require phone contact with service providers, referrals to Child, Youth and Family Services and other agencies and are short term in nature.
- 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.

## **Systemic Advocacy**

The Office of the Child and Youth Advocate regularly monitors issues that appear to be impacting a group(s) of children and youth. These issues may require further research to determine if they are of a systemic nature. Often, individual files highlight issues which require further advocacy work. At the call of the Child and Youth Advocate, issues that are presently being assessed as a possible systemic matter, may be determined to require that a systemic file be opened and assigned to a Systemic Advocacy Consultant for more comprehensive involvement.

Systemic issues files are opened when issues presented to the OCYA impact a group(s) of children and youth and, therefore, require advocacy from a systemic perspective. Systemic issues occur when policies and practices of government agencies interfere with the delivery of services and programs intended to support the quality of life for children and youth.

A systemic approach is used to influence programs and services, identify gaps, and determine the impact of the delivery of services and programs on children and youth in the Province. This is accomplished by providing recommendations to government regarding the challenges and changes needed to practices, policies and procedures.

## **Education and Promotion**

Section 3 of the *Act* requires the Advocate to “protect and advance the rights of children and youth.” The education and promotion role of the Office is inclusive to all regions of the province through Advocacy Outreach.

Advocacy Outreach provides opportunities for in-person contact with individuals, groups and agencies throughout the province as well as the opportunity to promote the Office and educate the public about the OCYA’s role and mandate and about children’s rights. This is accomplished through outreach, by developing relationships with service providers and engaging children and youth in their environment. This includes proactively finding opportunities to engage individuals at all levels by community capacity building, regional visits, volunteer initiatives and discussions and consultations regarding issues affecting children and youth in Newfoundland and Labrador.

## **Reviews/Investigations**

Reviews and investigations are carried out pursuant to Section 15 (1) sub-section (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.

The process for reviews and investigations is based on a comprehensive framework that may include review of documents, interviews of individuals, analysis of facts, and release of findings and recommendations to government and agencies and follow up respecting the recommendations. As necessary, the Advocate can subpoena individuals to be interviewed.

## 4.0 VALUES

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The values expressed in this plan are intended to reflect values for the operation of the Office of the Child and Youth Advocate and the conduct of its staff.

<b>Value</b>	<b>Action Statement</b>
Respect	Each employee performs his or her duties in a manner that respects the rights of other employees, the public and children and youth.
Integrity	Each employee performs his or her duties honestly, ethically and free of personal interests and activities which may appear to interfere with his or her duties.
Independence	Each employee performs his or her duties in an open, unbiased and independent manner
Confidentiality	Each employee exercises due care and control of records created or collected in the exercise of his or her responsibilities, ensuring that records are organized, secured and managed according to applicable policy and legislation.
Quality Service	Each employee builds and sustains relationships by assessing, anticipating, and fulfilling the needs of our clients.

## **5.0 PRIMARY CLIENTS**

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Children (under 16 years of age) and youth (16 years of age, but under 19 years of age and, in the case of extended care or a custodial sentence, up to age 21) are the primary clients of the Office of the Child and Youth Advocate.

Sections 3 and 15 of the *Child and Youth Advocate Act* mandate/authorize the Office of the Child and Youth Advocate to provide recommendations to government regarding the overall effectiveness of services for children and youth, including recommendations regarding changes to existing legislation, policy and service delivery.

Also, pursuant to Section 28 of the *Act*, the Advocate must report annually to the House of Assembly through the Speaker on the exercise and performance of her functions and duties under this *Act*. Both requirements reflect government and the House of Assembly as primary clients of the Office.

## **6.0 Vision**

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Our vision is that 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 in Newfoundland and Labrador.

## **7.0 MISSION**

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### **Mission:**

The newly appointed Child and Youth Advocate conducted a thorough review of the structure and functioning of the office to identify areas that were working well and areas for improvement. This included input from all employees as well as external visits to Advocate offices in Nova Scotia, New Brunswick, and Ontario.

This review was very beneficial and resulted in the identification of the need for change in structure, policies and processes to best meet the changing and complex challenges of consistently meeting the advocacy needs of children and youth today and in the future.

By March 31, 2017 the Office of the Child and Youth Advocate will have enhanced the ability of the office to ensure that the advocacy needs of children and youth of the Province are consistently met.

## **8.0 ISSUES**

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### **Issue 1: Advocacy and Administrative Protocol and Processes**

To better enable the office to service our clients, a new organizational structure will be implemented resulting in a realignment of management responsibilities and the division of services. In order to ensure consistent and effective practices, new documented policies, procedures and protocols will need to be developed and implemented.

**Goal:**

By March 31, 2014, the Office of the Child and Youth Advocate will have improved the structure and processes to provide and support services.

***Objective 1:***

By **March 31, 2012** the Office of the Child and Youth Advocate will have implemented a new organizational structure to support services.

**Measure:**

Will have implemented new organizational structure.

<b>Indicators</b>	<b>Accomplishments</b>
New organizational structure developed	Following a thorough review the new organizational structure was finalized in May, 2011 with realignment of management responsibility and division of services.
Position descriptions for new positions completed.	Position descriptions for new positions were developed and finalized as of April 2011

Recruitment for new positions completed.	Recruitment for new positions was completed in July 2011
New positions filled.	All three (3) positions were filled and in place as of August 2011.
New organizational structure implemented.	The new organizational structure was completely implemented as of August 2011

## **Discussion of Results:**

The new organizational structure has enabled the Office to better align management of the Office based on functional areas, specifically Individual Advocacy and Outreach, Reviews/Investigations and Systemic Advocacy and Strategic Development and Planning. This new structure supports each division's ability to focus on its specific accountabilities and thereby ensure the overall efficient and effective operations of the Office and achievement of the goals and objectives outlined in the 2011-2014 Business Plan.

### ***Objective 2:***

By **March 31, 2013** the Office of the Child and Youth Advocate will have established a process to develop and implement an administrative policy and procedures manual.

### **Measure:**

Develop and implement an administrative policy and procedures manual.

### **Indicators:**

- List compiled of policies to be completed.
- Director assigned to each policy.
- Draft policies completed.
- Revisions made to draft policies.
- Policies and procedures manual finalized.

## **Issue 2: Enhanced Reviews/Investigation Protocol and Process**

The overall review and investigation protocol and process need to be refined and enhanced. There are outstanding investigations from 2005 to 2010 that require completion. There is a need to establish a formal process to follow up recommendations of three existing reports and any future reports.

### **Goal:**

By March 31, 2014 the Office of the Child and Youth Advocate will have enhanced investigation/review protocol and processes.

### **Objective 1:**

By **March 31, 2012**, the Office of the Child and Youth Advocate will have the outstanding investigations completed.

### **Measure:**

Outstanding investigations completed.

<b>Indicators</b>	<b>Accomplishments</b>
Timelines for each review/investigation and staff responsible identified.	The timelines for three (3) outstanding investigations and staff responsible were identified in September 2011. Five (5) case reviews were completed, one in June 2011, one in August 2011, two in December 2011 and one in February 2012 with a total number of 31 recommendations for government departments. One new investigation was called in December 2011
Additional resources hired as necessary.	One (1) professional resource was hired temporarily for a total of thirteen (13) months to assist with completing some of the outstanding investigations.

Processes for monitoring of timelines and status of investigations established.	A comprehensive Reviews, Systemic Advocacy and Investigations policy, (policy number OCYA-006P) was developed. As part of this policy, several tools were developed to assist with the investigation process including tools for monitoring timelines and status of investigations.
Each investigation is completed.	Due to the increased time and focus placed on enhancing the investigative and investigation report process, only two (2) of the three (3) outstanding investigations were completed in 2011-2012. The first in April 2011 and the second in November 2011.
Each investigative report is completed.	Due to the increased time and focus placed on enhancing the investigative and investigation report process, only one (1) out of the three (3) investigative reports was fully completed in August 2011.

## **Discussion of Results:**

In order to ensure that each investigation that is undertaken by this Office is comprehensive, factually accurate and that the report tells the story of the child(ren) and/or youth impacted, in 2011-2012 significant changes were made to the investigative process and the investigation report writing process.

Due to the increased time and focus placed on enhancing the investigative and investigation report process, only two (2) of the three (3) outstanding investigations were completed. The final investigation was completed in August 2012 and it is anticipated that all three (3) of the investigation reports will be completed by Fall of 2012.

### ***Objective 2:***

By March 31, 2013 the investigative protocol and process will be refined and enhanced.

### **Measure:**

Investigative protocol and process will be refined and enhanced.



**Indicators:**

- Standard format for interview questions-developed.
- Standard interview binder format, including exhibits, developed.
- Standard letter format for requesting required documentation from relevant government departments completed.
- Standard process established for transcribing interviews.
- Standard format developed for compiling all investigative information (including research, interviews etc) into a investigative report.

**Issue 3: Systemic Advocacy Protocol and Processes**

The overall focus of the systemic work of the office has been mainly on reactive investigation of cases and systemic issues. There is also a need to enhance the systemic advocacy to include more proactive work. This would allow the office to fulfill the mandate of being the voice for children and youth to ensure their anticipated needs are met with a goal to decrease poor outcomes.

**Goal:**

By March 31, 2014 the Office of the Child and Youth Advocate will have further enhanced overall systemic advocacy.

***Objective 1:***

By March 31, 2012 the Office of the Child and Youth Advocate will have researched initiatives to address systemic issues proactively.

***Measure:***

Will have researched initiatives to address systemic issues proactively

**Indicators:**

<b>Indicators</b>	<b>Accomplishments</b>
Lead person responsible for implementing proactive initiatives identified	Due to other priorities, resources, etc., a decision was made to delay research of initiatives until the following fiscal year (2012-2013) when the initiatives will be implemented.
Proactive initiatives researched	Due to other priorities, resources, etc., a decision was made to delay research of initiatives until the following fiscal year (2012-2013) when the initiatives will be implemented.

**Objective 2:**

By March 31, 2013 the Office of the Child and Youth Advocate will have identified and implemented initiatives for proactive advocacy.

**Measure:**

Identified and implemented initiatives for proactive advocacy.

**Indicators:**

- Proactive initiatives researched.
- Proactive initiatives identified.
- Lead person(s) identified to implement proactive initiatives.
- Proactive initiatives implemented.

**Issue 4: Public Education and Promotion**

While public education and promotion and communication have been ongoing initiatives of the office, there is a recognized need to enhance these areas of our mandate.

**Goal:**

By March 31, 2014 the Office of the Child and Youth Advocate will have expanded public education and promotion and enhanced communication.

**Objective 1:**

By **March 31, 2012** the Office of the Child and Youth Advocate will have implemented a public education and promotion program.

**Measure:**

Will have implemented a public education and promotion program.

<b>Indicators</b>	<b>Accomplishments</b>
Lead person responsible identified.	The Director of Strategic Planning and Development was identified as lead person responsible for this program as of August 2011.
Identification of various aspects of education program.	A formal education program was developed in February 2012. The program outlines specific staff persons assigned as liaison contacts for identified youth serving organizations and regularly scheduled outreach activities scheduled for the fiscal year 2012-2013.
Development of timelines for establishment of each aspect of education program.	Specific timelines for the education and promotion program were developed and outlined activities to occur throughout the fiscal year as of March 2012.
Education Program Implemented	The Education Program was finalized in March 2012 and all staff were informed of the plan. However, this program was not actually implemented until April 2012 due to workload demands.

**Discussion of Results:**

A comprehensive education and promotion program was developed in 2011-2012 that outlines planned liaison and outreach activities for the fiscal year 2012-2013. This Program will enhance public education and promotion of the Office. Increased knowledge of the issues involving children and youth will also result.

In addition to the development of this plan, significant work was undertaken in this fiscal year in the design and development of new promotional and educational materials.

**Objective 2:**

By March 31, 2013 the Office of the Child and Youth Advocate will have established and implemented various communication initiatives.

**Measure:**

Established and implemented various communication initiatives.

**Indicators:**

- Redesign of the website completed.
- New educational booklets developed and available to the public.
- Public Annual Report developed and published (this is in addition to the Annual Performance Report).
- Quarterly Newsletters developed.
- New materials developed for use during outreach and other educational and promotional activities.

## **9.0 HIGHLIGHTS AND ACCOMPLISHMENTS**

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During the reporting period of April 1, 2011 to March 31, 2012, the OCYA continued to provide advocacy services for children and youth in Newfoundland and Labrador. This included the handling of 663 individual files, 29 systemic files and responding to 124 calls for information. Two (2) outstanding investigations and five (5) case reviews were completed with a total of 31 recommendations to government departments.

The Advocate was involved in several speaking events; she was a member of the panel for the Opening Plenary at the Biennial National Conference of the Canadian Council of Child and Youth Advocates held in New Brunswick, she spoke at the Opening Session of the Child and Youth Care Association of NL's Annual General Meeting and Conference, NL Foster Families Association's Annual Symposium, and the Child Welfare League of Canada (CWLC) Atlantic Forum. The Advocate also engaged in introductory meetings with Day Break Parent and Child Centre, Western Health and NL Association of Social Workers. In addition, the Advocate and members of her staff attended three (3) conferences/training sessions throughout the fiscal year.

The Calendar Project was a great success with 392 children submitting their artwork to the OCYA.

The Office has experienced significant changes in 2011-2012, from the new organizational structure, to new internal processes and procedures, such as the Intake Panel which is comprised of the three (3) Directors. The panel meets with the assigned Intake person on a daily basis to review intake received by the Office the previous day and determine how to best respond to the issue(s) presented. These changes have positively impacted the overall functioning of the Office and has enabled the Office to overall succeed in accomplishing the goals and objectives outlined for 2011-2012.

During the 2011-12 fiscal year, the OCYA conducted systemic advocacy through research, meetings, consultations, and reporting on multiple issues involving government departments affecting children and youth. This has resulted in a better informed government on issues of a systemic nature affecting children and youth within the province.

Most of the outstanding investigations have been completed and follow-up processes have been developed and follow-up will commence in the 2012-2013 fiscal year on recommendations put forth in all the investigations completed by the OCYA.

## **10.0 OPPORTUNITIES AND CHALLENGES**

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While the Office has faced many challenges, the past fiscal year has seen tremendous growth and movement forward. Under the direction of the Advocate, the Office has undergone significant changes that have resulted in the streamlining of accountabilities under each of the three (3) Directors. These changes provided an opportunity for the Office to focus on addressing past challenges, completing outstanding work and developing and implementing plans that will continue to enhance the ability of the Office to ensure that the advocacy needs of children and youth of the Province are consistently met.

In December 2011, the Advocate provided notice of her intention to conduct an investigation that will review government services provided to a youth. This investigation, in conjunction with the ongoing investigative work presented challenges in terms of staff resources to dedicate to the new investigation. Workload issues were further compounded due to a leave of absence of a staff member and the position not being filled for a period of one (1) month. This resulted in several staff members, including the management team, being assigned additional responsibilities during this period of time.

One of the challenges that is evident through presentations, outreach activities and phone calls to the Office, is the lack of awareness of the OCYA and the services we provide. As well, the OCYA oftentimes is confused with the Department of Child and Youth Services (CYFS). In 2011-2012 an opportunity was initiated by the OCYA in the form of a beginning work on a rebranding campaign to distinguish this Office from CYFS and to create an awareness of the services it provides. This will be a full scope rebranding campaign, including a new logo, promotional materials, and signage and as such will require significant work and resources.

# 11.0 Financial Statements

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Expenditure and revenue figures included in this document are based on information provided in the **Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2011 (Unaudited)**.

	Actual	Estimates	
		Amended	Original
	\$	\$	\$
<b>OFFICE OF THE CHILD AND YOUTH ADVOCATE</b>			
<b>OFFICE OF THE CHILD AND YOUTH ADVOCATE</b>			
<i>CURRENT</i>			
<b>5.1.01. OFFICE OF THE CHILD AND YOUTH ADVOCATE</b>			
01. Salaries	1,000,089	1,000,100	993,900
02. Employee Benefits	3,299	5,000	5,000
03. Transportation and Communications	34,760	48,200	85,000
04. Supplies	15,040	15,100	10,000
05. Professional Services	20,088	30,000	30,000
06. Purchased Services	169,804	183,300	203,300
07. Property, Furnishings and Equipment	6,794	7,200	5,000
<b>Total: Office of the Child and Youth Advocate</b>	<b>1,249,874</b>	<b>1,288,900</b>	<b>1,332,200</b>
<b>TOTAL: OFFICE OF THE CHILD AND YOUTH ADVOCATE</b>	<b>1,249,874</b>	<b>1,288,900</b>	<b>1,332,200</b>
<b>TOTAL: OFFICE OF THE CHILD AND YOUTH ADVOCATE</b>	<b>1,249,874</b>	<b>1,288,900</b>	<b>1,332,200</b>