



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

ANNUAL PERFORMANCE REPORT

2008 - 2009



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 2008 - 2009 for the Office of the Child and Youth Advocate. It reflects the Office's values, missions and goals for this planning cycle.

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.

John F. Rorke
Child and Youth Advocate (Acting)

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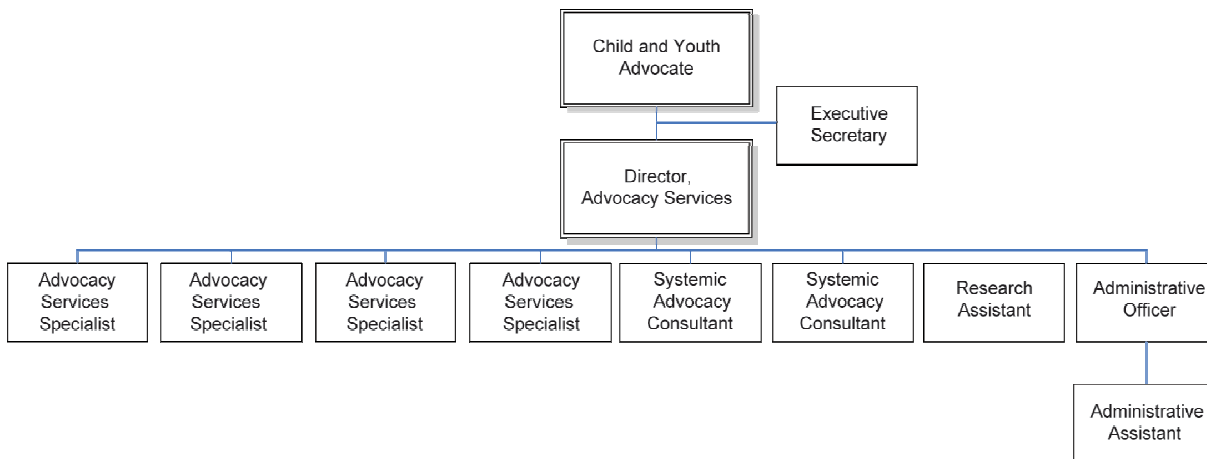
1.0 OVERVIEW

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, and her appointment was confirmed by resolution of the House of Assembly on November 29, 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 in 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.



The Office has a total of 10 staff including: Executive Secretary; Director of Advocacy Services; two Systemic Advocacy Consultants; four Advocacy Services Specialists; Research Assistant; Administrative Officer; and Administrative Assistant.

The House of Assembly Management Commission approved a budget of \$983,400 for the Office of the Child and Youth Advocate for Fiscal Year 2008-2009. The details are noted below:

Salaries	\$624,100
Employee Benefits	3,000
Transportation and Communications	85,000
Supplies	10,000
Professional Services	42,000
Purchased Services	201,800
Property, Furnishings and Equipment	17,500
TOTAL	\$983,400

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2.0 Mandate

The Office of the Child and Youth Advocate was established by statute which may be cited as the *Child and Youth Advocate Act*, SNL. 2001 cC-12.01 (the "Act").

The mandate of the Office is contained in Section 3 of the *Act*, which states:

3. The Office of the Child and Youth Advocate is established
 - (a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered;
 - (b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention;
 - (c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth;
 - (c.1) to review and investigate matters affecting the rights and interests of children and youth; and
 - (d) generally, to act as an advocate of the rights and interests of children and youth.

The powers and duties of the Child and Youth Advocate are contained in Section 15 of the *Act*, which states:

15. (1) In carrying out the duties of his or her office, the advocate may
 - (a) receive, review and investigate 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;
 - (b) advocate or mediate or use another dispute resolution process on behalf of a child, youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (c) where advocacy or mediation or another dispute resolution process has not resulted in an outcome the advocate believes is satisfactory, conduct an investigation on behalf of the child or youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (d) initiate and participate in, or assist children and youth to initiate and participate in, case conferences, administrative reviews, mediations, or other processes in which decisions are made about the provision of services;
 - (e) meet with and interview children and youth;

- (f) inform the public about the needs and rights of children and youth including about the office of the advocate; and
 - (g) make recommendations to the government, an agency of the government or communities about legislation, policies and practices respecting services to or the rights of children and youth.
- (2) The advocate may not act as legal counsel.

3.0 LINES OF BUSINESS

During the Fiscal Year 2008-09, advocacy staff responded to 490 new individual files. 341 individual files were closed during this period. Additionally, the Office responded to an increased number complex individual advocacy cases. Regional visits continued and the number of Advocacy Clinics and Regional visits increased through the Province.

During this reporting period, there was a significant increase in the number of presentations to students and distribution of educational and promotional materials within the Province.

Meetings with government, board and agency officials increased during the Fiscal Year 2008-09, which provided opportunities for the OCYA to share perspectives and provide recommendations to promote systemic changes.

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 engages 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 Section 15 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. On May 29, 2008 the *Child and Youth Advocate Act* was amended to provide subpoena powers to the Advocate to assist in the conduct of Reviews and Investigations.

Public Education

Section 3 of the *Act* requires the Advocate to “protect and advance the rights of children and youth.” In fulfillment of this mandate, advocacy staff engages 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 provides presentations to such groups regarding the rights of children and youth.

Section 2 (c) of the *Act* defines a child

“child” means a person under the age of 16 years.

Section 2 (g) of the *Act* defines youth

“youth” means a person who is 16 years of age, but under 19 years of age and includes youth

- (i.) in care or custody under the *Child, Youth and Family Services Act*,
- (ii.) on remand under the *Criminal Code* or the *Youth Criminal Justice Act (Canada)*,
- (iii.) subject to a sentence under the *Criminal Code*, or
- (iv.) subject to a disposition under the *Youth Criminal Justice Act (Canada)*,

who is under 21 years of age.

Section 2(f) of the *Act* defines service

“service” means a service provided by a department or agency of the government to children and youth the principal objective of which is to benefit children and youth.

Section 2(b) of the *Act* defines agency of the government

“agency of the government” means a board, commission, association, or other body of persons, whether incorporated or unincorporated, included in the Schedule.

Section 2(e) of the *Act* defines department

“department” means a department created under the *Executive Council Act*, or a branch of the executive government of the province.

4.0 VALUES

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.

Respect: Each individual is committed to protecting and advancing the rights of children and youth.

Collaboration: Each individual will work with others to maintain a cooperative work environment that contributes to the development of a strong, effective team required to “protect and advance” the rights of children and youth.

5.0 PRIMARY CLIENTS



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 the government as a primary client of the Office.

6.0 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.

7.0 MISSION

You Have Rights!

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

Protects and advances your rights and interests

- Helps voice your concerns
- Works to make sure your concerns are taken seriously
- Helps you access government services and programs
- Informs and advises government about gaps in services and the need for improvements
- Advocates for your rights and interests

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The mission statement identifies the priority focus areas of the Child and Youth Advocate over the next planning cycle. It represents the key long-term result that the Office of the Child and Youth Advocate will be working towards as it implements its Business Plan.

It has been recognized that public education is required if the rights of children and youth are to receive the recognition and attention required to ensure their rights are accorded to them. Increased level of awareness is a prerequisite to “protecting and advancing” the rights and interests of children and youth.

Increasing awareness through public education is required to ensure that children and youth are aware of their rights and the existence of government services and programs related to their needs. Integral to promoting and advancing the rights of children and youth is promoting accessibility to government services and programs.

Therefore, promoting awareness of the rights and interests of children and youth, with a view to enhancing the delivery of advocacy services, shall constitute the priority focus of the Office of the Child and Youth Advocate for the 2008-2011 planning period.

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.

Measure:

Enhanced processes.

Indicators:

1. Increased awareness regarding the rights and interests of children and youth and the existence of government programs and services available to them as provided by the Office of the Child and Youth Advocate through the following:
 - Increased number of advocacy clinics conducted.
 - Increased number of meetings with child/youth serving agencies and number of individuals who attended.
 - Increased number of presentations to students (K – 12) and number of students who attended.
2. Increased number of reports (includes both written and verbal communications) completed and presented to government.
3. Increased promotion by the Office of the Child and Youth Advocate of its reports, brochures and advocacy calendars.

8.0 ISSUES

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 March 31, 2011, the Office of the Child and Youth Advocate will have improved its educational advocacy services to children and youth throughout the province.

Objective: By March 31, 2009, the Office of the Child and Youth Advocate held more advocacy clinics and meetings with child/youth serving agencies throughout the province.

Measure: Improved educational advocacy services.

Indicators	Accomplishments 2008-2009
Increased number of advocacy clinics conducted throughout the province	The number of advocacy clinics conducted was significantly increased in the Fiscal year due to the implementation of a new staffing model to include four front-line advocacy staff. During the Fiscal Year 2008-2009, the Office conducted eighteen clinics which was a further increase of six advocacy clinics.
Increased number of meetings with child/youth serving agencies throughout the province in comparison to 2008	There was a significant increase in the number of meeting attended by the Advocate and the OCYA staff. For this reporting period there were 141 meetings, an increase of 69 meetings.

Objective: By March 31, 2010, the Office of the Child and Youth Advocate will have completed more presentations to students (K-12) and the number of students who attended throughout the province in comparison to 2009.

Measure: Will have completed more presentations to students (K-12) and the number of students who attended throughout the province in comparison to 2009.

Indicators:

- Number of presentations to students (K-12)
- Number of promotional items distributed

Issue 2: The Need for a Systemic Advocacy Approach

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 March 31, 2011 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.

Objective: By March 31, 2009, the Office of the Child and Youth Advocate increased the number of reports containing recommendations provided to government in comparison to 2008.

Measure: Improved information

Indicators	Accomplishments 2008-09
Increased number of reports (includes both written and verbal communications) containing recommendations provided to government regarding systemic issues affecting children and youth in comparison to 2008.	During this reporting period, The Office of the Child and Youth Advocate increased its number of recommendations regarding emerging and systemic issues affecting children and youth. The Child and Youth Advocate and/or her staff participated in 141 meetings with officials from government departments, boards and agencies where experiences and perspectives were shared and recommendations for systemic changes were advanced. This was a significant increase from 85 meetings for the preceding fiscal year. Additionally, the number of written recommendations increased with four areas being addressed compared to two areas in the preceding year.

Objective: By March 31, 2010, the Office of the Child and Youth Advocate will have increased the number of reports (includes both written and verbal communications) containing recommendations provided to government in comparison to 2009.

Measure: Will have increased the number of reports (includes both written and verbal communications) containing recommendations provided to government in comparison to 2009.

Indicators:

- Increased number of written and verbal reports
- Increase in the number of recommendations

Issue 3: Reviews of Government Programs and Services

Pursuant to Section 15 of the *Child and Youth Advocate Act*, the Advocate is authorized to

Receive, review and investigate 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 *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 *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 March 31, 2011 the Office of the Child and Youth Advocate will have supported the improvement of government services and programs provided to children and youth.

Objective: By March 31, 2009, the Office of the Child and Youth Advocate increased the number of Reviews completed related to government programs and services in comparison to 2008.

Measure: Supported improved delivery of services.

Indicators	Accomplishments 2008-09
Number of completed Reviews provided to government.	<p>During the Fiscal Year 2008-09 the Advocate initiated a fifth review pursuant to Section 15(1.) (a) Of the <i>Child and Youth Advocate Act</i>. Work on the fifth review and the previously initiated reviews continued to extent possible given the restraints of the Office.</p> <p>The Advocate released 15 recommendations related to one Review, to a government department and the respective board, prior to the end of the Fiscal Year 2008-09. The report was ready for public release in June 2009. This is the first Review completed internally by the Child and Youth Advocate for government and for public release. This is an increase in the number of reviews completed in the previous Fiscal Year for 2007-2008.</p>

Objective: By March 31, 2010, the Office of the Child and Youth Advocate will have increased the number of Reviews completed related to government programs and services in comparison to 2009.

Measure: Will have increased the number of Reviews completed related to Government programs and services in comparison to 2009.

Indicators:

- Number of reviews completed
- Reviews of existing government programs and services
- Recommendations provided for change to government programs and services

9.0 Opportunities and Challenges Ahead

In order to achieve the mandate of the Office of the Child and Youth Advocate, the staff of the Office will need to commit to work within the powers and duties of the *Act* and its' limitations, to enhance the individual and systemic work of the Office. The work of the Office at times is reactionary. However, future goals will be to increase proactive responses and approaches in our advocacy work and to seek opportunities to do so.

The "dual" mandate of advocacy and oversight requires collaborative work with other professionals who deliver the services and programs to children and youth in the Province. The opportunity and challenge for the Office will be to restore and develop these working relationships, while sometimes being critical. The Office will continue to highlight the common goals shared by all who work with children and youth; to advance and protect the rights and interests of children and youth in our Province.

Additionally, a significant challenge for the Office will be to complete the four remaining Reviews and Investigations that the Office initiated over the past four years.

10.0 Financial Statements

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 2009.

Office of the Child and Youth Advocate	<u>Actual \$</u>	<u>Amended \$</u>	<u>Original \$</u>
Salaries	623,775.97	688,100.00	624,100.00
Employee Benefits	2,737.00	3,000.00	3,000.00
Transportation & Communications	65,044.35	85,000.00	85,000.00
Supplies	9,230.39	12,000.00	10,000.00
Professional Services	28,730.00	42,000.00	42,000.00
Purchased Services	148,162.39	187,100.00	201,800.00
Property, Furnishings and Equipment	<u>28,403.49</u>	<u>30,200.00</u>	<u>17,500.00</u>
Total: OCYA	<u>906,083.59</u>	<u>1,047,400.00</u>	<u>983,400.00</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 setting of the House. The Office of the Child and Youth Advocate does not have a requirement for a separate, individual audited statement.