



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

ANNUAL PERFORMANCE REPORT

2009 - 2010



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 2009 - 2010 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.

A handwritten signature in black ink, appearing to read 'John F. Rorke', written in a cursive style.

John F. Rorke
Child and Youth Advocate (Acting)

A simple horizontal line drawn in black ink, positioned below the signature and name.

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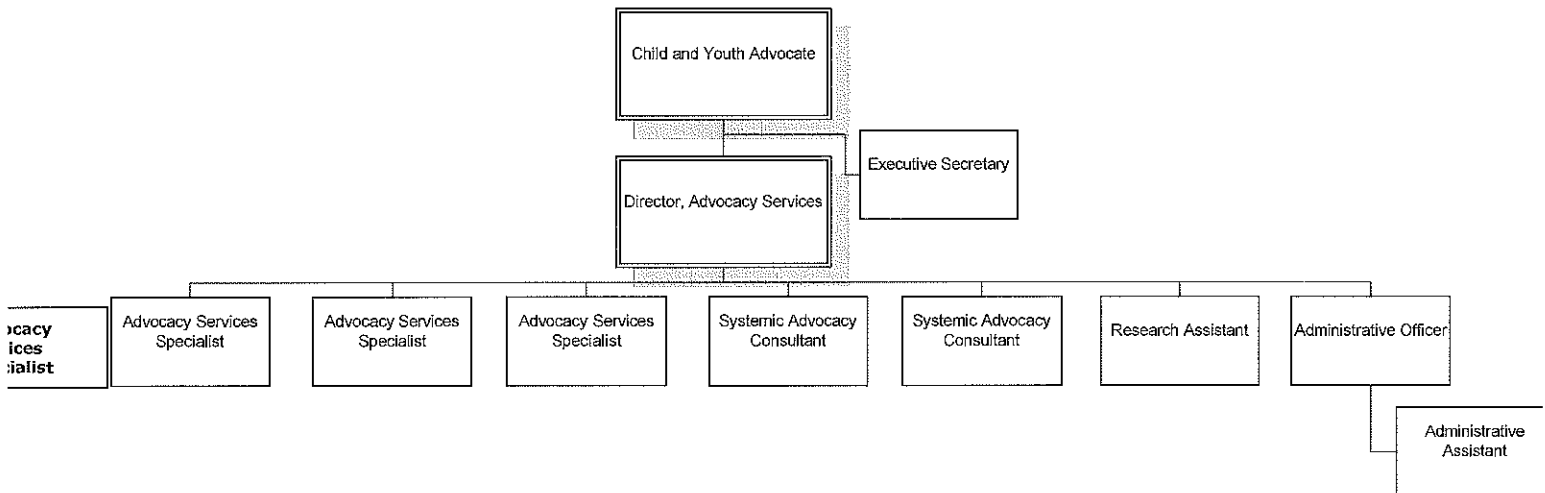
1.0 OVERVIEW

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, John Rorke was appointed to the position of Acting Child and Youth Advocate on August 21, 2009.

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 11 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 \$1,128,700 for the Office of the Child and Youth Advocate for Fiscal Year 2009-2010. The details are noted below:

| | |
|-------------------------------------|-----------|
| Salaries | \$836,400 |
| Employee Benefits | 3,000 |
| Transportation and Communications | \$85,000 |
| Supplies | \$10,700 |
| Professional Services | \$12,000 |
| Purchased Services | \$175,400 |
| Property, Furnishings and Equipment | \$6,200 |
| TOTAL | 1,128,700 |

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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

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

4.0 HIGHLIGHTS AND ACCOMPLISHMENTS

During the Fiscal Year 2009-2010, advocacy staff responded to 490 new individual files and 472 individual files were closed during this period. There were 18 cases carried over for the fiscal year.

Meetings with government, board and agency officials during the Fiscal Year 2009-10 provided opportunities for the OCYA to share perspectives and provide recommendations to promote systemic changes.

During this reporting period, the Office experienced significant proactive changes and restructuring in order to effectively meet our clients' needs. The Office streamlined the administrative work for individual advocacy and abolished restrictive administrative processes.

Advocacy and administrative staff worked with key individuals from Information Management to develop the Data Base under the TRIM program for the Office.

Additionally, we developed an "Intake Function" at the Individual Advocacy level. One Advocacy Services Specialist is assigned to exclusively administer

intake and assessment at the front line level. The Office responded to an increased number of complex individual advocacy cases which require the Advocacy Services Specialists to engage in advanced and complex case management. As revealed by the statistics, the Advocacy staff responded to 490 new cases and carried over 18 cases in this fiscal year in comparison to 140 in previous years.

Also, a quality and assurance function was developed for implementation at case closings to ensure adherence to policy and protocol. The Office developed policies and protocol for Individual Advocacy and commenced the development of the same in the area of emerging and systemic advocacy.

In addition to enhancing administrative functions and the Intake role, changes were also implemented in the area of education and promotion. The education and promotion role of the Office is significant and Section 3 of the Act requires the Advocate to "protect and advance the rights of children and youth". Previously education and promotion consisted of Advocacy Clinics and school presentations. We modified and re-named education and promotion to Advocacy Outreach which is more inclusive to all regions of the Province. This is accomplished through outreach, by developing relationships with service providers, engaging children and youth in their environment, conducting regional visits and proactively finding opportunities to engage individuals at all levels.

The OCYA increased awareness regarding the rights and interests of children and youth in the Province by:

- Conducting outreach visits to four regions of the province
- Presenting to schools
- Meeting with children/youth serving agencies
- Inviting representatives from youth serving agencies to our Office to discuss issues pertaining to children and youth
- Presenting to new employees as part of Child, Youth and Family Services orientation
- Increasing visibility to vulnerable populations through added visits to Choices for Youth and the Newfoundland and Labrador Youth Centre. As well, two OCYA staff volunteer with Street Reach.
- Circulating OCYA educational and promotional materials through our Calendar Project, to residents of group homes and to children in care
- Developing information packages and distributing these packages to each youth admitted to the Janeway Psychiatric Unit (J4D) and the Newfoundland and Labrador Youth Centre.

An important step towards increased awareness in 2009-10 is the devotion of a half-time position to advocacy outreach.

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 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” as defined in Section 2 of the *Act*. 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.

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.

5.0 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.

6.0 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.

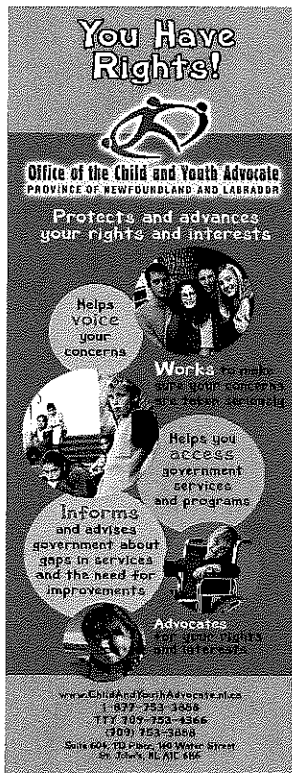
Also, pursuant to Section 28 of the *Act*, the Advocate must report annually to the House of Assembly through the Speaker on the exercise and performance of his functions and duties under this *Act*. Both requirements reflect the government as a primary client of the Office.

7.0 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.

8.0 MISSION



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 next three years.

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.

9.0 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, 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 | Accomplishments 2009-2010 |
|--|---|
| Number of presentations to students (K-12) | <p>Because of restrictions placed on presentations at schools, community agencies and services due to the H1N1 health issues, very few school presentations were conducted from January to March 2010. This resulted in an overall decrease in the number of presentations in this reporting period (24 school presentations and 569 participants, compared with 85 school presentations and 2189 participants in the previous fiscal year).</p> <p>The number of advocacy clinics conducted decreased due to the restructuring of the Office and the changes from education and promotion to advocacy outreach (18 clinics were conducted in 2008-09 compared with 13 conducted in 2009-10). Advocacy clinics are one element of advocacy outreach that will be enhanced in the next fiscal year.</p> <p>The development of Advocacy Outreach and the devotion of a half time position in this area will further advance the awareness of the Office and of children's rights in the future.</p> |

| | |
|--|---|
| <p>Number of promotional items distributed</p> | <p>The Office distributed 4434 promotional items during this fiscal year, an increase during this reporting period (4205 promotional items were distributed during 2008-09). The Office distributed promotional items to more community organizations and developed information kits for key organizations where children and youth reside. The Calendar Project was successful and more promotional items were distributed to schools and students via mail.</p> <p>The Office worked in partnership with other service providers to develop a booklet for children and youth in care or custody. This will be ready for release and distribution during the fall of 2010.</p> |
|--|---|

Objective: By March 31, 2011, the Office of the Child and Youth Advocate will have increased its promotion of reports, brochures and advocacy calendars throughout the province in comparison to 2010.

Measure: Will have increased its promotion of reports, brochures and advocacy calendars throughout the province in comparison to 2010

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, 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 | Accomplishments 2009-2010 |
|--|---|
| <p>Increased number of written and verbal reports</p> <p>Increase in the number of recommendations</p> | <p>During this reporting period, the Office of the Child and Youth Advocate increased its number of written and verbal reports to eight regarding emerging and systemic issues affecting children and youth. Additionally, the number of written recommendations increased with community consultations in two more areas, totaling six, compared to four last year.</p> <p>Four systemic files were closed and recommendations were sent to the respective service providers and government. In the previous fiscal year the Office did not close any systemic files. Two Investigations/Reviews were completed which resulted in over 30 recommendations for change or enhancements to government services.</p> |

By March 31, 2011, 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 2010.

Measure: Will have increased the number of reports (includes both written and verbal communications) containing recommendations provided to government in comparison to 2010.

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 the Advocate’s 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, 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 | Accomplishments 2009-2010 |
|---|---|
| <p>Number of reviews completed</p> <p>Reviews of existing government programs and services</p> <p>Recommendations provided for change to government programs and services</p> | <p>During the reporting period, the Advocate completed and publicly released one report in June 2009, which reviewed the Transitioning of Children and Youth in Care during the period January 1 to December 31, 2006. This is the first Review completed internally by the Child and Youth Advocate for government and for public release. A second report, which investigated the psychiatric services and programs provided by the Janeway Children’s Health and Rehabilitation Centre during the period January 1, 2008 to December 31, 2008, was completed and publicly released during March 2010. This is an increase in the number of reviews completed in the previous fiscal Year. Currently the Office is working on three more reviews for completion by December 2010. All of these reports reviewed existing government services and programs.</p> <p>Both of the reports released during this reporting period contain over 35 recommendations for change to government programs and services.</p> |

By March 31, 2011, 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 2010.

Measure: Will have increased the number of Reviews completed related to Government programs and services in comparison to 2010.

Indicators:

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

10.0 OPPORTUNITIES AND CHALLENGES

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 OCYA is moving forward with its goals to increase proactive responses and approaches in our advocacy work and to seek opportunities to do so. The Individual advocacy and Advocacy Outreach initiatives within the Office have been developed and implemented. The area of Emerging and Systemic Advocacy is currently under review and enhancements will occur by the next fiscal year.

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 Office has commenced collaborative practices and engaged in conciliation in many situations through the year.

Additionally, the Office completed a significant Review during this fiscal year and finalized four systemic issues, where gaps were identified and recommendations were made to service providers and government. Two of the three remaining Reviews were initiated by the Office and will be completed by the end of 2010.

11.0 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 2010.

| Office of the Child and Youth Advocate | <u>Actual \$</u> | <u>Amended \$</u> | <u>Original \$</u> |
|--|----------------------------|----------------------------|----------------------------|
| Salaries | 972,774.00 | 972,800.00 | 836,000.00 |
| Employee Benefits | 1,885.00 | 3,700.00 | 3,000.00 |
| Transportation & Communications | 38,477.00 | 71,500.00 | 85,000.00 |
| Supplies | 8,639.00 | 10,700.00 | 10,000.00 |
| Professional Services | 18,955.00 | 24,800.00 | 12,000.00 |
| Purchased Services | 162,735.00 | 175,400.00 | 175,400.00 |
| Property, Furnishings and Equipment | <u>3,554.00</u> | <u>25,100.00</u> | <u>6,200.00</u> |
| Total: OCYA | <u>1,207,019.00</u> | <u>1,284,000.00</u> | <u>1,128,700.00</u> |