

The Nova Scotia Children's Ombudsman

In Nova Scotia, the division of the Ombudsman's office dealing with children is considered a low impact child advocacy office.

The UN Committee on the Rights of the Child, the body responsible for monitoring the implementation of the CRC, recommends the establishment of strong child advocacy offices.

A common role of these offices is to give children a voice and to advocate for their rights on both individual and state levels.

Variations exist in the structure and work that Child Advocacy Offices do. Variations also exist in the level of impact these offices have.

Impact of a child advocacy office is measured by impact, not only in individual cases, but impact on policy, legislative change, systems reform, public consciousness and child participation.

Factors associated with a high level of impact by a child advocacy office are:

- independent from government
- exclusively focused on children
- accessible to children
- wide mandate
- strong statutory powers
- broad advocacy functions
- a receptive political culture
- resources
- leadership

In conjunction with, or in the absence of, other facilitating factors, leadership in a supportive political culture can play a significant role in advancing the rights of children.

Nova Scotia

In Nova Scotia, youth and senior services are grouped together, and are part of a larger ombudsman office.

The Nova Scotia Ombudsman Office was established in 1970. Youth services were incorporated in 1996. In 2000, a full time Children's Ombudsman was hired. The Children's Ombudsman was also the assistant ombudsman and the office administrator. In 2002, The Children's Ombudsman was also the assistant ombudsman and the Director of Investigation. Currently, Youth and Senior Services are grouped together as a division of the Ombudsman's Office. There is a dedicated Children's Ombudsman.

In 2004, the Ombudsman's Act was revised to acknowledge the ombudsman's authority to investigate complaints about Child Welfare Agencies and licensed child care facilities.

The Nova Scotia Children's Ombudsman's Office is not considered a high impact office. The following are a list of factors that are believed to contribute to this lower impact.

The Nova Scotia Children's Ombudsman's Office does have independent oversight. That is, it does report directly to the legislature. However, the office, as a whole, submits annual reports to the legislative assembly. Funding for the Provincial Ombudsman comes from the legislature but how funding is allocated, throughout the office, varies.

More of a concern is that the office is not a stand alone body. The children's section is grouped with seniors and part of the larger ombudsman's office. The rationale for a stand alone body is that rights and interests of children are more likely to receive a higher public and political profile and less likely to be compromised when there is no competition for resources between children's interests and the interests of others.

The children's office has made considerable effort to be accessible to children. One of the fundamental tasks of a child advocacy office is to put the words and concerns of youth into broader, systemic context to inform and influence legislation, policy and practice. The office has made outreach through print materials and presentations to children receiving services, and they have also, recently, distributed materials to schools. However, the scale and influence are at a much lower level than higher impact offices. Many in the community, including those who could use the services of the office, are confused about the office's role, or are even unaware of its existence.

Many child advocacy offices report insufficient funding as a reason for lack of agency effort in areas such as systemic investigation, the organization of consultations with youth and the development of stronger programs of public education.

The office does not have a wide mandate. The focus, although not exclusively, of the children's division of the Ombudsman's Office, is on children in youth detention facilities and youth group homes. The office does not advocate for children in care, in individual cases. Instead, it informs children of their rights and what services are available to them.

The Nova Scotia Children's Advocacy Office does not do as much in terms of policy advocacy, systemic advocacy, raising public consciousness as do higher impact offices in other Provinces. A notable exception to this is that the office has had success in systemic reform through improving the treatment of youth in the youth correction system and providing police and correction training in children's rights.

It has been noted that, although resources are important, the importance of resources can be overstated. The keys to effectiveness on a limited budget are:

- 1) willingness to publicize issues [in Nova Scotia, a youth report has never been made public by the office].

- 2) raise the profile of the office
- 3) prod government into action

Even without more resources, the office has the ability to address issues and hold government accountable. Although the recommendations of the Ombudsman's Office are non-binding, the office states that the vast majority of recommendations are either implemented or are seriously considered. If a recommendation by the office is dismissed, the office can table it with the Speaker of the House to raise public profile of the issue. The office can also conduct its own motion investigations if it feels there are a pattern of concerns in a particular area. The office has to be willing to do this.

According to the Children's Rights Centre, while the division of the Ombudsman's Office that deals with children already has a valuable role, addressing the factors associated with its limited impact would affect the offices scale of influence and ultimately the lives of children.

Community Child Welfare Boards in Nova Scotia

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Presentation to the Standing Committee on Community Services

October 7, 2014

**“There is no power for change
greater than a Community
discovering what it cares about”**

Margaret Wheatly

Objectives

- To outline development of Community Child Welfare Boards in Nova Scotia.
- To provide an overview of the purpose and value of Community Child Welfare Boards.

Community Child Welfare Boards in Nova Scotia

- Background
- Integration of the Children's Aid Societies into the Department of Community Services
- Role of Community Boards
- The Provincial Scene
- Challenges/Opportunities

Background

- Nova Scotia had a mixed system of service delivery for child welfare dating back to 1940's – 6 District Offices & 13 Children Aid Societies (CAS's), plus Mi'kmaw Family & Children's Services.
- CAS's developed in various Counties often with a volunteer in the beginning performing the duties of child protection.
- Other Counties did not develop CAS's and Government stepped in to perform the role of child protection, eg., Digby & Antigonish.

Integration of the Children's Aid Societies into the Department of Community Services

- Two reviews that provided the impetus for this change:
 - Report of the Joint Working Group to the Honourable Peter Christie, Minister of Community Services (December, 2001) co-chaired by Lubin Bourque, President of CAS & F&CS Agencies and Jane Fitzgerald, Executive Director, Family and Children's Services, Department of Community Services.

Integration of the Children's Aid Societies into the Department of Community Services – cont'd

- Noted that economies of scale and service effectiveness sometimes require a regional or cross jurisdictional approach.
 - June 2004 – Deloitte & Touche Review of Child Welfare Services, Governance and Business Model prepared at the request of the Minister. Three options considered, with #3 recommended:
 - Single Private Agency
 - Single Public Authority
 - Public Sector Line Department

Integration of the Children's Aid Societies into the Department of Community Services – cont'd

- Government accepted option 3, but on a voluntary basis. Minister Morse agreed that if the Deloitte & Touche Report was implemented there would be:
 - No job loss
 - No reductions in Service Sites
 - Current salaries to be retained
 - Community Boards maintained, and
 - That the Deloitte & Touche recommendations would be remain under review

Integration of the Children's Aid Societies into the Department of Community Services – cont'd

- DCS hired a full-time Coordinator to support development of Community Child Welfare Boards – Resource Guide and website are examples of the work done.
- Once an Agency and DCS reached agreement on joining DCS, a formal Memorandum of Agreement (MOA) was signed by the Board President and the Minister of Community Services.
- A celebration event was held to welcome staff into DCS. A plaque and a small gift was provided to each Board Member in appreciation of their contribution to the Community.

Role of Community Boards:

- Serve as link between community and DCS – i.e. partners, supporting each other.
- Positively advocate legislation and influence policies impacting children and families.
- Do public education on issues in the areas of Child Welfare e.g, prevention of child abuse; effective parenting; Schools Plus.

Role of Community Boards – Cont'd:

- Work with partners to prevent, alleviate and remedy the personal, social and economic conditions that might place children and families at risk.
- Support DCS in their efforts to protect families; support and educate families; ensure a safe, permanent home for children.

Role of Community Board – Cont'd:

- Strengthen and build community and services networks.
- Join with other partners, including DCS, to create a community that places a high priority on safe, prosperous, educated and healthy children and families.

The Provincial Scene:

- Provincial Coordinator hired, 2008
- Boards established in all Regions
- Council of Chairs formed, 2009
- Annual budget for each Board
- Resource Guide developed
- Website developed

The Provincial Scene – Cont'd:

- Semi-annual meetings with the Minister
- Annual workshop for Board Members and DCS staff
- Consultation with Provincial partners – e.g. Nova Scotia Council for the Family, etc.
- Consultation with National Organizations – e.g. CWLC

Challenges/Opportunities:

- Create new Boards in every county especially those that did not have private Agencies/Children's Aid Societies.
- Maintain motivation of volunteer Boards.
- Continue involvement with community Provincial and National Organizations.

Challenges/Opportunities – Cont’d:

- Continue dialogue with Minister and Deputy Minister to ensure action.
- Continue dialogue with Senior Staff.
- Become recognized in the *Children’s and Family Services Act (CFSA)*.
- Publish Annual Report.
- “Think Globally; Act Locally”.

- We wish to acknowledge the support and input of George Savoury, MSW, RSW of Savoury Consulting Ltd. and former Executive Director of Family and Children’s Services with this presentation.

Why we need to update the Children and Family Services Act of Nova Scotia

The Child Welfare Boards of Nova Scotia join voices with many other groups calling for changes to the outdated Children and Family Services Act. This is the legislation that governs the lives of foster children.

What changes are we looking for?

We agree with the Auditor General of Nova Scotia who stated, "We found the Children and Family Services Act has gaps related to age limits for foster care and an outdated definition of neglect. We recommend these areas of the Act be updated." (Report of the Auditor General, May, 3013)

Why are we recommending these changes?

Again, in the words of the Auditor General, we want to change the way a child is defined in the Act. Currently a child is defined as a person under the age of 16. This is a problem. We also want to include forms of neglect other than just physical neglect to determine if a child is in need of protection. Here are the reasons the Auditor General gave and his recommendation:

Age limits- Under the current legislation, Community Services has no authority to investigate complaints of possible abuse or neglect if a child is between the ages of 16-18, unless the child is already in care. Allegations regarding a child in care can be investigated. The provision means the Department has to treat children who are the same age, differently, depending on individual circumstances. In some provinces, children in need of protection are covered up to age 18. (Auditor General, May, 2013)

Definition of neglect- The Children and Family Services Act deems a child to be in need of protective services due to neglect when there is physical harm or risk of physical harm. This conflicts with the modern view of neglect. Limiting the definition of neglect to only physical harm ignores the emotional and developmental impact that neglect can have on a child. The Act's wording limits the Department's authority to investigate complaints related to emotional and developmental neglect. Harm is defined more broadly in other jurisdictions. (Report of Auditor General, May, 2013)

Recommendation 3.4- The Department of Community Services in partnership with the Executive Council should update the Children and Family Services Act to ensure it adequately addresses modern practices related to age groups covered by child welfare and includes a modern definition of harm due to neglect. (Report of Auditor General, May, 2013)

Have any other groups called for one or both of these changes?

Yes, a couple of examples would be the Standing Committee on Community Services. They have called for a change to the definition of child in the Act. The Children and Youth in Crisis Working Group of the Maritime Conference of the United Church of Canada. This group has called for both of these changes.

Isn't child welfare a provincial matter and can't a Province determine how to define a child in any piece of legislation?

Not really. When Canada signed the UN Convention on the Rights of the Child, we agreed to define a child as a person up to the age of 18. Nova Scotia is not honouring this international treaty.

How are other Provinces doing? What Provinces have Child Welfare Legislation that defines a child at least up to the age of 18? What Provinces have broader definitions of neglect than Nova Scotia? Is there evidence that neglect, other than physical neglect harms children?

Provinces which define 'a child' as a person up to age 18 or older:

- PEI
- NB
- Quebec
- Ontario
- Manitoba
- Alberta
- BC
- Yukon

Provinces where neglect is defined more broadly than physical neglect

- NFLD
- PEI
- NB
- Quebec
- Ontario
- Manitoba
- Sask
- Alberta
- BC
- Yukon
- NWT

Research on impact of neglect on children

- Canadian Child Welfare Research portals
 - <http://cwrp.ca/child-abuse-neglect/neglect>
 - <http://cwrp.ca/>
- Resource Sheets: Australia
 - Child welfare: <http://www.aifs.gov.au/nch/pubs/sheets/menu.html>
 - Effects of child abuse and neglect:
<http://www.aifs.gov.au/nch/pubs/sheets/rs17/rs17.html>
- CW Info Gateway; US gov
 - <http://www.childwelfare.gov/>
 - Impact of abuse and neglect <https://www.childwelfare.gov/can/impact/>
 - Brain development:
<https://www.childwelfare.gov/pubs/braindevtrauma.pdf>
 - Neglect and attachment:
<https://www.childwelfare.gov/can/impact/development/attachment.cfm>
- Dana Foundation:
 - Long term impact on children's brain development
<http://dana.org/news/cerebrum/detail.aspx?id=28926>