

**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
DECISION BRIEFING NOTE**

DATE: June 14, 2019

DATE OF PREVIOUS NOTE (if applicable): February 15, 2019

CLIFF#: 243700

PREVIOUS CLIFF # (if applicable): 242079

PREPARED FOR: Allison Bond Deputy Minister

ISSUE: Resources required to coordinate and review records as part of two distinct processes: Federal Government's Sixties Scoop Settlement Agreements and the PDCW Review of a Former Social Worker's Caseload

BACKGROUND:

There are two processes underway which require additional resources for both the Disclosure and Document Management (DDM) Branch who requests and coordinates the records and the PDCW team that reviews the records in order to complete the work in a timely manner.

1. Verification requests for the Federal Government's "Sixties Scoop Settlement Agreement"

On November 30, 2017, the Federal Court approved a settlement for the loss of cultural identity for certain survivors of the "Sixties Scoop". The settlement provided compensation to all "Eligible Class Members" who were adopted or became permanent wards and who were alive on February 20, 2009. Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) estimates the number of eligible Class Members to between 20,000-30,000 people nationally.

The Ministry of Children and Family Development (MCFD) Adoption and Permanency Branch (APB) responds to requests from CIRNAC for verification of individuals adopted in BC who believe they may be entitled to this settlement to be registered under the *Indian Act*. Currently, this work is one of the tasks being completed by one full-time employee.

Collectiva was appointed as Claims Administrator of the "Sixties Scoop Settlement Agreement" and deals with funding applications from possible class members.

On May 30, 2019, MCFD met with both CIRNAC and Collectiva. MCFD was advised of two distinct processes that require different levels of verification:

- The first process is to confirm whether 1455 applicants (number will grow until August 31, 2019, deadline) were either adopted or were permanent wards. This involves requesting and reviewing the records and completing the verification process.
- The second process is to confirm eligibility for Indian Status under the *Indian Act*. For this process MCFD will be required to review closed files to provide information on parentage as well as information regarding Indigenous heritage in order for the Indian Act Registrar to determine if the individual currently meets the criteria for Status under the *Indian Act*.

There are currently 50 applicants who require this more extensive review. This work takes on average 5-10 hours to complete per record and does not include the time taken by DDM branch to locate and provide the records.

2. PDCW Review of a Former Social Worker's Caseload

The time required to complete the PDCW review depends on how quickly the client files can be supplied by DDM. There are approximately 400\$²² files still to come for review and approximately 100 requests already with the DDM. The desire is to have 30 files completed per week from June to the middle of September 2019 so that the review can be concluded by the end of September 2019.

DISCUSSION:

Verification requests for the Federal Government's "Sixties Scoop Settlement Agreement"

The information for Collectiva (1455 records) is able to be completed by MCFD's DDM with additional staffing resources. The DDM has completed many requests for information related to class action suits.

For the more detailed review (50+ files) Freedom of Information and Protection of Privacy Act does not give legal authority for the Province to exercise discretion to disclose the sought information to the federal government or Collectiva for the purposes of determining the eligibility of an applicant for an individual payment. Legal Services Branch has indicated that a court order would be required to provide this more extensive information.

For these reasons both due to staffing and the fact that Canada is required to obtain a court order - it is unlikely that the deadline of December 2019 will be met for the completion of the extensive review. APB will work with DDM to complete the file reviews for the 50+.

CIRNAC has indicated that the total number of applications will increase with a high number of applications being received in August 2019 (This is true for both processes). It is unlikely that MCFD will be able to meet this deadline without additional staffing support.

PDCW Review of a Former Social Worker Caseload

The files for the review come from DDM who call for the files and once received scan and upload them onto a SharePoint site for Practice Analysts to review. Based on current resources and workload, which includes overtime, DDM's capacity for responding to these requests is at 6 per week. At this rate, it would be 83 weeks for DDM to complete the production associated with these 500 requests.

There is no way that DDM can deliver to the desired timeframe. It would be impossible due to the number of searches to be undertaken, the volume of records to be ordered and managed,

the lack of equipment, the time it takes to train staff and bring them on, and the lack of capacity to absorb any more work on top of their regular work. In addition to the scanning of physical records, and the production of records from ICM, there is a significant amount of administrative effort that will be required for production of this volume of records.

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DECISION and SIGNATURE

Allison Bond
Deputy Minister

DATE SIGNED

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**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
INFORMATION NOTE**

DATE: June 12, 2019

CLIFF#: 243846

PREPARED FOR: Allison Bond, Deputy Minister of Children and Family Development

ISSUE: Information Sharing with the Ministry of Education and School Districts about Children and Youth in Care

BACKGROUND:

- The Ministry of Education (EDUC) holds School Districts accountable to report on outcomes for Children and Youth in Care (CYIC). As well, as part of their funding model, they wish to provide a specific weighting for CYIC.
- EDUC has found its efforts to better support CYIC limited by information sharing challenges with MCFD.
- EDUC has repeatedly sought identifiable information on CYIC, specifically a regularly provided list of the CYIC by School District. Legal constraints prevent this from happening.
- Pending legislative changes, EDUC is proposing three interim actions that could improve information sharing:
 1. Re-negotiation of the provincial level Information Sharing Agreement (ISA) between MCFD and EDUC to include more data elements, and possibly reporting at an individual level or school district level. This ISA outlines how MCFD gathers information on the educational participation and outcomes of CYIC from EDUC data warehouse.
 2. Local ISAs between School Districts and MCFD offices.
 3. Updating existing Information Sharing Guidelines.

DISCUSSION:

- One of the interim solutions, reporting at the individual level, is not possible under the current legislative framework.
- Deputy Director of Child Welfare, Alex Scheiber and Ministry Privacy Officer, Kelly MacKinnon, have committed to working with EDUC staff to deliver on the three interim actions, recognizing legal constraints. Specifically, they will work with EDUC staff to:
 - Modify the existing ISA to include additional data elements, and if possible school district level reporting;
 - Develop an ISA template agreement to govern information sharing at the local level, providing consistent parameters while allowing for local contacts and local processes to be identified; and
 - Update the existing information sharing guidelines.

- Requests for automatic upload of CYIC data to the EDUC data warehouse, or individual level data, are not permitted as CFCSA legislation has restrictive information sharing provisions and the CYIC data has high sensitivity.
- The Provincial Director of Child Welfare, under the CFCSA, has legislative authority to share information on a case-by-case basis, based upon the information being necessary to support the safety and well-being for a specific child. Legislative changes to the CFCSA were necessary in order to meet similar information needs within Aboriginal communities.
- Legal staff will work with the team to determine what is possible under the current legislative framework.

KEY MESSAGES

- MCFD fully supports EDUC reporting out on educational outcomes for children in care and are committed to collaborate with EDUC on this.
- There are some legislative restrictions on what MCFD can share in terms of lists of children in care.
- MCFD understands that the lack of clear provincial guidelines on information sharing has resulted in local inconsistencies that have frustrated superintendents.
- An MCFD-EDUC working group is exploring options, including clear guidelines, for information sharing that they are confident will promote a consistent approach to information sharing and reporting. These guidelines are expected to be in place for September 2019.

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