



COMMISSION OF INQUIRY INTO THE CIRCUMSTANCES
SURROUNDING THE DEATH OF PHOENIX SINCLAIR

The Honourable Edward (Ted) Hughes, Q.C.,
Commissioner

Transcript of Proceedings
Public Inquiry Hearing,
held at the Victoria/Albert Room, Lower Level, Delta Hotel
350 St. Mary Avenue, Winnipeg, Manitoba

THURSDAY, APRIL 25, 2013

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1 APRIL 25, 2013

2 PROCEEDINGS CONTINUED FROM APRIL 24, 2013

3

4 THE COMMISSIONER: Good morning.

5 MS. WALSH: Good morning, Mr. Commissioner.

6 Our next witness is Carol Bellringer.

7 THE CLERK: Is it your choice to swear on the
8 Bible or affirm without the Bible?

9 THE WITNESS: The Bible is fine.

10 THE CLERK: Okay. If you can just stand for a
11 moment. And take the Bible in your right hand. What
12 happened to our Bible?

13 THE WITNESS: There's no Bible.

14 THE COMMISSIONER: Well, if it's not there you
15 can --

16 THE CLERK: I think I have another one.

17 State your full name to the court.

18 THE WITNESS: Carol -- excuse me, Carol Ann
19 Bellringer.

20 THE CLERK: Would you spell me your first name?

21 THE WITNESS: C-A-R-O-L.

22 THE CLERK: And your middle name?

23 THE WITNESS: A-N-N.

24 THE CLERK: And your last name.

25 THE WITNESS: B-E-L-L-R-I-N-G-E-R.

1 THE CLERK: Thank you.

2

3 CAROL ANN BELLRINGER, sworn,
4 testified as follows:

5

6 THE CLERK: Thank you, you may be seated.

7 THE WITNESS: Thank you.

8

9 DIRECT EXAMINATION BY MS. WALSH:

10 Q Good morning, Ms. Bellringer.

11 A Good morning.

12 Q You are the Auditor General for the Province of
13 Manitoba?

14 A That's correct.

15 Q And just to, to know a bit about your background,
16 we'll start with that. You have a Bachelor of Commerce
17 degree from Concordia University, in Montreal and an MBA
18 from the University of Quebec and the Warsaw School of
19 Economics?

20 A That's correct.

21 Q You acquired your designation as a chartered
22 accountant in 1982?

23 A It's a few years ago, yes.

24 Q You, you worked for KPMG in Montreal, Toronto and
25 Winnipeg and then you spent some years working in Poland?

1 A I did.

2 Q You were senior advisor there to the financial
3 department of a large cell phone provider?

4 A Yes.

5 Q Then from 2002 to 2006 you worked at the
6 University of Manitoba as their Director of Private
7 Funding?

8 A To 2005.

9 Q 2005, okay. And since then you have been working
10 as the Auditor General, you were appointed to that
11 position, that office, in 2005?

12 A No, 2006.

13 Q Okay.

14 A That year in between I was chairing the Winnipeg
15 Symphony Orchestra throughout the most difficult time.

16 Q Yes, yes, we remember that.

17 A Okay.

18 Q Thank you. You were recognized by the Institute
19 of Chartered Accountants of Manitoba with your Fellow of
20 Chartered Accountants in 2006 for your service to the
21 profession and for your career and community achievements?

22 A Yes.

23 Q You are currently a member of the Auditing and
24 Assurance Standards Board which sets Canadian standards for
25 the profession?

1 A I had my last meeting in April and so my term is
2 up on that.

3 Q Okay. You are still the Auditor General, though.

4 A I am, indeed.

5 Q I've got that right?

6 A I am, indeed.

7 Q Okay. Good.

8 A I have one more board that I have added since
9 then which we'll see if you have on there.

10 Q Well, I was finished with boards, if you want to
11 tell us what other board you're involved with?

12 A I've -- I'm on the International Federation of
13 Accountants, representing the Canadian Institute of
14 Chartered Accountants.

15 Q Okay, thank you. So a few questions in general
16 about the Auditor General's office. What does the Office
17 of the Auditor General do?

18 A We are an independent office, reporting to the
19 legislature and we provide them with information about
20 government programs and operations and recipients of public
21 monies so that they can know the extent to which monies are
22 being spent economically, efficiently and effectively.

23 Q The Office of the Auditor General is governed by
24 the Auditor General's Act of Manitoba?

25 A That's correct.

1 Q What does the Act enable your office to do?

2 A The, the Act, we follow the Act very
3 specifically. It enables us to look at anything other than
4 question the merit of policy. So we cannot go that far.
5 But the -- and I'm sorry, I've got it in front of me just
6 because there is a couple of specifics in it that are, that
7 are very important.

8 It sets out the, the parameters around how far we
9 can go with our audits. We can go to government
10 departments, we can go to any other government operation
11 and we can go through auditing a recipient of public money.
12 And there's a few other little things like people who
13 receive tax credits, and that kind of thing.

14 And then what we can do when we do those audits
15 is set out in the Act. It refers to the operations and it
16 has a list of things we can report on but it's not an all
17 inclusive list, so it's quite broad in terms of what
18 matters we can, we can report on. The word audit is not
19 defined in the Act and so it becomes an interpretation of
20 practice, primarily practice federally with the Auditor
21 General's Office of Canada, they do lead the, the
22 definition of what a comprehensive audit would include, and
23 we certainly have looked at all aspects of operations.

24 We also are able to go into an organization that
25 is, for example, a recipient of public, of public monies,

1 where as soon as a dollar goes in there and it's
2 co-mingled, we, we have legal access to the entire
3 operation.

4 The, the, the power that the, the office brings
5 is we have access to records, we have access to individuals
6 and are able to interview them under the Evidence Act and
7 so that is a difference between -- we have that access to
8 facts as opposed to just expressing our opinion on things.

9 Q So pretty, pretty broad powers?

10 A Yes, indeed.

11 Q Does the Act allow you to make recommendations?

12 A The Act doesn't prohibit recommendations. It
13 doesn't specifically use that word, it does say that we can
14 -- let's see how they define that.

15 We express opinions so I guess that could include
16 a recommendation. It is common practice to include
17 recommendations in all audit reports and legislative
18 auditing. And we can also, through the audit, communicate
19 to any officials who of -- about the findings of our work
20 and, and through that process we make a great deal more
21 recommendations than we actually include in our report.

22 So I'm not specifically answering your question,
23 I know, but --

24 Q But you do make recommendations?

25 A We do, indeed. And we also allow anybody who is

1 addressed in our report to review the report and, and have
2 a comment back to us and we include those comments in our
3 report. We are not required to but we choose to, through
4 practice, because we think buy in and a good understanding,
5 both between those we're auditing and ourselves is, is a
6 very important part of the audit process. And so that,
7 too, is not mentioned in the, in the, in the Act but we do
8 that through the course of normal business, we do that.

9 Q When, whenever you do an audit, you prepare a
10 report?

11 A Whenever we do an audit we communicate to the
12 legislature that we have completed the audit so in our
13 annual report, and that's the Act that I was referring to
14 is included in that report, every year we tell the
15 legislature what we're working on and what we have
16 completed. There may be some circumstances where the
17 report is not included in a public way in, in its entirety
18 to the legislature. For example, we just issued one on the
19 Office of the Fire Commissioner, and that was not provided
20 to the legislature. That audit had been requested under
21 Section 16 of our Act, which allows us to give the
22 information only to the Minister.

23 The, the way our -- we actually end up getting an
24 audit to do, there's about half of the audit is our
25 financial statement audits and those are set out in other

1 pieces of legislation and we must do those. The rest of
2 our work we select.

3 So, for example, when we get to the Child and
4 Family Services audit --

5 Q Right.

6 A -- we chose to do that audit, we -- it's -- was
7 totally at our, our decision as to which of the project
8 audits we, we will, we will pick.

9 There's a third mechanism which is Section 16,
10 which is a special audit, which the Minister of Finance,
11 cabinet or Public Accounts Committee may request of us and
12 we must do those unless it interferes with the normal
13 course of our, of our work. So the, the Child and Family
14 Services audit was not a Section 16, when we do a Section
15 16 we're not required to make the full report public we, we
16 decide which elements are, are important for the
17 legislature to know and that's, that's all we have to
18 report.

19 Q Otherwise, though, when you do reports under
20 Sections 14 and 15 of, of your Act, are those reports made
21 public?

22 A Yes, indeed. We report them to the legislature
23 and they're, they're tabled through the speaker to the
24 legislature and through that process they are available
25 publically.

1 Q Your annual reports are also made public?

2 A Yes, they are in the same process. We give them
3 to the, to the speaker for the legislature.

4 Q And you have a website?

5 A We do. And all of our reports are on the
6 website.

7 Q When you make reports or recommendations in a
8 report, are those binding on anyone?

9 A No, they are not. And there, there is no element
10 of our work which is binding. It's through all the other
11 mechanisms one has and encouragement and common sense and
12 certainly media pressure but nothing by me.

13 Q What's the normal process once you've completed
14 an audit?

15 A In -- completed in terms of having completed the
16 field work or completed, completed, like it's already about
17 to come out publically?

18 Q The latter.

19 A Okay, so --

20 Q So you do your work and you're ready to do your
21 report and then what happens?

22 A So we've, we've done our work, we drafted our
23 report, we, we communicate with anybody who has been
24 involved with the audit to make sure that the draft is
25 accurate and, as I say, we offer them the opportunity to

1 put some comments into the report in response to the
2 recommendations and then we have a 14 day -- we are
3 required by the Act to provide the report to the Minister
4 for a 14 day review and comment. Those are the, the words
5 in the Act. And we will occasionally have some comments
6 that we will consider in case we've missed something or
7 there is an inaccuracy and so on. Then we go to the
8 printer and then it's made public, approximately two weeks
9 after that.

10 Q Does your office ever monitor the implementation
11 of recommendations made in one of your reports?

12 A Yes. We actually monitor all of them. We don't
13 do another audit but one year -- and we've changed our
14 process over the last couple of years but the current
15 process is after one year after we issue the report we go
16 back to whoever it was who was audited and we ask them for
17 a progress report and then we -- we don't do another audit
18 but we do what we call a review, which is a lesser degree
19 of assurances, it's -- we look at the plausibility of the
20 comments that -- of the, the information that they've
21 provided us, to tell us where they're at in implementation.

22 Q So, sorry, you look at the plausibility?

23 A Of their, of their response to the, the current,
24 the current status of implementation of those
25 recommendations.

1 Q As opposed to an audit where you would actually
2 look at the underlying information, itself?

3 A Correct. However, if they say that the
4 recommendation is implemented, we look at something. So
5 there's a, there's a, there's a standard behind auditing
6 that requires quite a lot of work if you're going to say
7 you've done an audit --

8 Q Yes.

9 A -- we do less than that. So if they say we've
10 implemented a policy, we'll ask for a copy of the policy.
11 If they say yes, all organizations are doing this, we won't
12 check all organizations but we'll check one or two. So
13 there -- we do some work when we, when we then report.

14 We then actually issue a report with a summary of
15 the status. For all of the reports, except for the Child
16 and Family Services report, we do just a statement
17 saying -- if it's implemented, we say implemented, if it's
18 in progress, we say in progress, we don't provide
19 additional information. And that report goes to -- all of
20 our reports, our current --

21 Q These are the follow up reports you're talking
22 about?

23 A The follow up report.

24 Q Okay.

25 A All of our follow up -- all of our reports are

1 permanently referred to the Public Accounts Committee which
2 is a standing committee of the legislature and the follow
3 up report is intended to give them a starting point for
4 them to call witnesses in from the department to get
5 further information. So we've, we've stopped doing a
6 lengthy report on those because there's too many of them,
7 it just would take too long.

8 For Child and Family we did decide to do more
9 than that and so when we --

10 Q Why is that?

11 A I can speak to that specifically. Primarily
12 because of the inquiry and because we knew you needed to
13 have more current information on the implementation of our
14 recommendations and our, our Act does not allow me to speak
15 to anything that isn't already public information so if you
16 were to ask me for underlying information from our
17 findings, that is not in the public report, I am not able
18 to provide that it's -- I am only able to do that to a
19 legislative committee. So --

20 Q So anything you needed to tell us, you had to put
21 in that follow up report?

22 A Correct.

23 Q Okay.

24 A So you've got --

25 Q Understood.

1 A -- a lengthier report.

2 Q Thank you. And we'll, we'll get there. We're
3 going to start with the original report but, but I
4 appreciate that explanation of the process.

5 A The, the process on a follow up is one we choose,
6 it's not outlined in our Act in any way and it's not
7 anything we're restricted. And the practice across the
8 country varies and we've just chosen to do it this way
9 because we find it works.

10 Q You've said that your office can decide which
11 audits to conduct in the first place. How do you make that
12 decision?

13 A And I, I don't mean to make light of it but I
14 have to tell you, every department out there, when we pick
15 them they ask us the same thing.

16 Q Sure.

17 A They don't line up, I'm sorry to say. We like to
18 think everything we do is adding value but at the same
19 time, nobody really likes to be in the -- the subject of an
20 audit.

21 So we have a group of senior staff and we sit in
22 the -- there's six of us and we sit in the room once a year
23 and we just do a -- we, we step back and look at risk
24 significance, the extent to which there is public interest,
25 interest of the legislature, interest of our staff because,

1 quite frankly, if a staff member is interested in an area
2 they do a better audit, and staff capabilities.

3 So we put all that together and we make a
4 selection. We don't have enough staff to do everything
5 that's out there so we cannot say these are the most
6 significant, and the greatest risk, and the most interest
7 and so on, but every audit we select does meet that test
8 and it's very much a matter of judgment.

9 Q We know that in 2006 the -- your office prepared
10 a report entitled (sic) Audit of the Child and Family
11 Services Division Pre-devolution Child and Care Processes
12 and Practices and that's found at sub-paragraph 3(f) of the
13 Order-in-Council. It's one of the reports which the
14 Commissioner must consider, including the manner in which
15 any recommendations set out in that report have been
16 implemented.

17 You signed off on that report?

18 A Correct. I issued it.

19 Q And that's, that's our Commission disclosure 6
20 for those following. You -- okay, you issued it, what's,
21 what's the, the distinction, what are you signalling?

22 A And I'm, I'm sorry, my tone gave that one away,
23 didn't it? And we have had this conversation. I, I had
24 joined the office in July of 2006 and the audit was
25 complete when I, when I started. Having said that, I had

1 an influence in the final report and had to under -- I --
2 because I was -- it was being issued under my signature, I,
3 I was -- had to be comfortable that we had support for the
4 findings and I supported the recommendations and so on,
5 which I did.

6 But I was not there when it was selected so I
7 really can't speak too much to why did we pick that. And
8 also, every audit we do of this nature is -- you have to
9 establish objectives and you have to establish criteria so
10 the objectives will lead where the audit is going to go.
11 So they, they are very specific as to which areas you
12 select and this -- if you can imagine any, any government
13 operation you -- it's a blank page and we can choose any
14 aspect of it and so the selection of the objectives is an
15 important one but it isn't -- there is no formula we use to
16 get there it's just, again, judgment at the time as to
17 which we think the, the areas are that we should look at.
18 And time availability is a big part of it.

19 We could -- we can have a broad scope that would
20 be what are the underlying factors contributing towards
21 difficulties in some area and that would be very, very
22 broad and that would be a big audit or we can do one that's
23 much more narrow. So the objectives were selected, I would
24 consider them to be narrow objectives, they're very much
25 administratively focused but they are --

1 Q What do you mean by --

2 A -- relevant.

3 Q Sorry, what do you mean by administratively
4 focused?

5 A They -- we, we do not -- we did not choose to
6 audit and we specifically mention that we did not audit,
7 for example, the quality of care, the other things that I
8 would consider to be outside of administration would be
9 even measuring effectiveness. You know, we didn't go
10 there, we, we -- not for any particular reason, every audit
11 we're asked, why did you pick that objective and it's a
12 complex process of getting there. I wasn't, as I say, part
13 of the, the, the team that made that initial selection --

14 Q Right.

15 A -- but as I say, if I were to characterize it --
16 I mean, the objectives are set out quite clearly, they look
17 at the accountability framework --

18 Q Let me just stop you there.

19 A Okay.

20 Q And we'll put this up on the screen.

21 Let's start, first of all, with page -- the very
22 first thing, page 647. It will come up on your screen.

23 A Okay.

24 Q 647 is the Commission disclosure number so ...

25 A Um-hum.

1 Q This is a copy of the letter dated December 2006
2 which is signed by you. If we scroll through it you'll see
3 that.

4 A Um-hum.

5 Q So this is the covering letter by which --

6 A Yes, it is.

7 Q -- you submitted the report.

8 A Yes.

9 Q And then if we go to page 659.

10 THE COMMISSIONER: Now, can you, can you make
11 reference to what pages those are of the report, itself?

12 MS. WALSH: I can because that's the, that's the
13 version I used last night to prepare so I scrambled to get
14 the disclosure numbers. That's page 9 of the report.

15 THE COMMISSIONER: That's -- my -- the report
16 that I have read and marked up is, is -- just has the
17 numbers of the pages.

18 MS. WALSH: Me, too, me, too, Mr. Commissioner,
19 so ...

20

21 BY MS. WALSH:

22 Q Under, under the heading Initiation. This, this
23 discusses why or the process that was selected or, or what
24 exactly was selected to be done. Can you just briefly
25 describe what was the, the purpose in performing this

1 audit.

2 A The, the page that you've got showing is we --
3 currently the term we use is we provide a background.

4 Q Right.

5 A And it is -- when I talked about risk and
6 significance the -- this is primarily a, a description of
7 significance and it's, you know, mentioning the, the
8 background of the, the AJI report and the proclamation of
9 the Child and Family Services Authorities Act and the
10 transfer of responsibility of oversight. And because of
11 the significance of devolution and the impact on children
12 in care and families, that was why the area was chosen.

13 And it was also looking at, specifically, the
14 processes and practices in relation to the mandated
15 agencies who would have been transferred from department to
16 authority and so that element of it was carved out as being
17 the, the most, the most significant for us to look at, at
18 the time, within that area.

19 Q The audit was commenced in 2004?

20 A Somewhere around there. We, we conducted it
21 between May 2004 and August 2006.

22 Q So that was pre -- it began pre-devolution and
23 finished once devolution had occurred.

24 A Which, which is true and then which also
25 complicates the report somewhat because a number of the

1 recommendations -- a number of the findings were pre --
2 well, all the findings were pre-devolution but had to be
3 implemented post-devolution, under a different structure.

4 Q Right. And we'll talk more about that --

5 A Yeah, yeah, okay.

6 Q -- I think, when we talk about your follow up
7 report. But you touched on it briefly a minute ago but can
8 you just explain for us why it is, knowing that devolution
9 was about to occur, why the office undertook this audit
10 when it did.

11 A I, I don't know the answer to that. I mean,
12 there certainly would have been the options of do we do it
13 -- you know, it would have been even better had it been
14 done much earlier. Then there was this period and it could
15 have been done post. And I would, would say I was asked
16 that question, you know, could it not have waited? By the
17 time I got there, it was too late, the audit was finished
18 and I did think it was still valuable information to report
19 and, and in fact the -- by the time I had started in the
20 office the report had already gone to the Minister for
21 comment.

22 Q So on the next page, 10, of the report, which is
23 -- you set out the, the objectives and scope. The
24 objectives then are listed as relating to the account -- an
25 "Accountability Framework", "Funding Models", "Mandated

1 Agency Operations", and "Transition of Roles and
2 Responsibilities From the Department to the CFS
3 Authorities." So those were the, the areas that were going
4 to be focused on?

5 A Correct.

6 Q And then the scope is reviewed, lower down, on
7 page 10.

8 A There was, there was one thing I, I was -- in
9 your first question --

10 Q Yeah.

11 A -- about to get to that I think I'll just, I'll
12 just throw in there.

13 Q Please.

14 A The, the selection of the criteria is an
15 important decision point for us because for each of those
16 you have to now decide how are we going to audit that. So
17 when we're looking at an effective accountability
18 framework, if I just throw out the phrase effective
19 accountability framework I think everybody in the room
20 would have a different view of what that is.

21 Q Sure.

22 A And the definition of it is, is clarified by
23 looking at the criteria. So we --

24 Q You can scroll -- sorry, I'm just --

25 A And it's, it's page --

1 Q Okay.

2 A -- 20 of the report, so it's about four pages
3 further and you can see the first set in Section 3.0.

4 THE COMMISSIONER: Page, page what?

5 THE WITNESS: It's page 20 of the, the --

6 MS. WALSH: It's page 670 for the monitor.

7 THE WITNESS: -- report.

8 There's -- this is -- here's a good, a good
9 example of it showing on the screen right now. So the set
10 of criteria is in effect the -- what we would expect to see
11 in an appropriate accountability framework.

12

13 BY MS. WALSH:

14 Q And so you're very specific then in defining what
15 it is you're looking at when you say you're looking at an
16 accountability framework?

17 A Correct.

18 Q Okay. And we'll, we'll get to each of these in a
19 minute but thank you for, for identifying that.

20 Going back to the objectives and the scope at
21 page 11 of the report, which is page -- what page is that?

22 A It's one after, it's one after the screen.

23 Q 661. 661. You identify areas which the audit
24 did not assess.

25 A Correct.

1 Q So that's:

2

3 "The quality of care provided by
4 the mandated agencies;

5 The repatriation of children to
6 their birth and extended families;

7 The operations of regional
8 offices; nor

9 The services provided by the new
10 CFS Authorities, subsequent to
11 devolution."

12

13 So that's, that's very clear that those areas
14 were not the subject of the audit.

15 A Correct.

16 Q This audit is described as a value for money
17 audit. Is that right? Is that, is that how you describe
18 this audit? I think that's how you described it to me.

19 A Yes. And, and the, the terms used in our, in our
20 industry are value for money performance audit and they're
21 used interchangeably and they mean the same thing. And we,
22 we call them, generically, project audits.

23 Q And what does that mean?

24 A It means it's not a financial statement audit.

25 Q Okay, thank you. So you're looking at, at

1 processes of --

2 A Correct.

3 Q -- of an organization.

4 A Correct.

5 Q But not policy.

6 A And not policy because of our Act.

7 Q Right. Now, there's an executive summary that's
8 found at page 651 of the report which, Mr. Commissioner, is
9 page 1. You indicate in that executive summary that your
10 objectives were:

11

12 "To determine whether the CFS
13 Division had an effectively
14 functioning accountability
15 framework in place as at March 31,
16 2004 and to ensure that the
17 mandated agencies were performing
18 as expected by the CFS Division;
19 To determine whether the mandated
20 agency funding model for children
21 in care was appropriate to ensure
22 fair and equitable funding levels
23 were provided consistent with the
24 expected quantity and quality of
25 services;

1 To determine whether their
2 management practices were
3 sufficient to ensure the needs of
4 children in care were effectively
5 addressed."

6

7 And you examined, your office examined:

8

9 "... four mandated agencies; and
10 To gain an understanding of the
11 roles and responsibilities of the
12 CFS Authority Boards of. Directors
13 and review the governance
14 structures put in place by each
15 CFS Authority by March 31, 2005."

16

17 The conclusions in the executive summary read
18 that:

19

20 "As at March 31 2004, an effective
21 accountability framework over
22 mandated agencies with respect to
23 children in care was not fully in
24 place. As at that date, systemic
25 issues such as a funding model

1 that could not be fully explained;
2 insufficient monitoring over
3 mandated agencies; and an
4 incomplete and inaccurate central
5 information system that could not
6 be relied upon as a planning
7 resource had not yet been
8 addressed. As a result, of our,
9 audit, we also concluded that
10 management practices at mandated
11 agencies --"

12

13 I'm on page 1, Mr. Commissioner.

14 THE COMMISSIONER: Yes.

15

16 BY MS. WALSH:

17 Q

18 "-- required strengthening, and
19 that as at March 31, 2005 the CFS
20 Authority Boards were at different
21 stages of development and were
22 actively working to ensure that
23 appropriate governance structures
24 were in place."

25

26 Go on to say:

1 "The CFS Division focused
2 considerable effort on the
3 development and implementation of
4 plans, to successfully transition
5 the responsibility for mandated
6 agencies to the four CFS
7 Authorities. Many of the existing
8 systemic problems under the CFS
9 Division identified in our report
10 had been recognized and
11 acknowledged with plans to address
12 them either during, or after this
13 devolution process. The
14 devolution Implementation Plan
15 anticipated addressing these areas
16 prior to March 31, 2004. A number
17 of these areas had not yet been
18 addressed by March 31, 2004."

19

20 And finally you say:

21

22 "The Department and the ...
23 Authorities are involved in
24 discussions around funding
25 capacity and resource issues that

1 may have a significant impact on
2 the pace of change addressing
3 longstanding systemic, problems or
4 issues. It is also appreciated
5 that competing demands present
6 challenges in addressing
7 recommendations in this report and
8 that they must be assessed and
9 prioritized in the context of all
10 changes being addressed in the
11 area of child and family
12 services."

13

14 So a finding of a need for changes and a
15 recognition that the department was aware of that and was
16 working towards making changes?

17 A Correct.

18 Q By way of an introduction to the report.

19 So then I wanted to go through some of the
20 specific findings so that we know what, as of the time that
21 this report was prepared, which was certainly during the
22 time that Phoenix received services from the child welfare
23 authorities, and I -- the child welfare system, not the
24 authorities, and so it is, it is relevant for us to know
25 what those recommendations and findings and recommendations

1 were and then once we've gone through this then we'll go
2 through the follow up report that you just issued.

3 Starting at page 20, which is page 670 of the
4 Commission disclosure. And prior to getting to the
5 specific recommendations, the report had some background
6 information about how the system was established, that sort
7 of thing.

8 So we start with the Accountability Framework and
9 the way that you've set it up, you've got "Audit Objectives
10 and Criteria" and then "Conclusions." So, as I said, just
11 to walk through a few of them. The "Objectives and
12 Criteria":

13

14 "To determine whether an effective
15 accountability framework was in
16 place (prior to devolution to the
17 CFS Authorities) to ensure the
18 mandated agencies were performing
19 as expected by the Department."

20

21 And the "Conclusions" opposite that were that:

22

23 "An effective accountability
24 framework was not yet in place
25 prior to devolution to ensure that

1 mandated agencies were performing
2 as expected by the Department."
3

4 And one of the criteria that was reviewed, 3.1,
5 is:
6

7 "The Department should have formal
8 results-oriented goals for the
9 Child Protection (CP) Branch of
10 the CFS Division, and mandated
11 agency performance expectations
12 should be linked to these goals."
13

14 That was the objective. The finding with respect
15 to that was that:
16

17 "No measurable goals were in place
18 - The Department did not have
19 formal results-oriented goals and
20 outcome measures for the CP
21 Branch. As a result, mandated
22 agency performance was not linked
23 to Department expectations."
24

25 Some of the other findings, if we scroll down to

1 3.4, "Child care standards should be regularly reviewed and
2 updated by the Department."

3 On the next page the report identifies:

4

5 "A Quality Assurance (QA) review
6 process should be in place to
7 ensure that mandated agencies are
8 in compliance with child care
9 standards set by the Department."

10

11 You had noted that:

12

13 "Two of the four mandated agencies
14 that you reviewed were using out-
15 of-date child care case management
16 standards."

17

18 And that at the time of your audit:

19

20 "No QA reviews had been performed
21 since October 2001. As at March
22 31, 2004, reviews of mandated
23 agencies had not been performed
24 for, on average, 5.5 years."

25

1 3.7 you noted that the:

2

3 "CFS Division and mandated agency
4 processes should be in place to
5 ensure the information in the
6 Child and Family Services
7 Information System (CFSIS) is
8 accurate and complete."

9

10 And your finding was that your office:

11

12 "... encountered situations where
13 children in care information did
14 not match mandated agency
15 information and where foster home
16 information in CFSIS was not
17 accurate or complete."

18

19 And then on the next page reference was made to
20 the Chief Medical Examiner, whose "recommendations should
21 be followed up in a timely manner." And the finding was
22 that:

23

24 "Chief Medical Examiner
25 recommendations dealing with the

1 failure to comply with provincial
2 standards did not always result in
3 a QA review being conducted."
4

5 Looking then -- and then you go into more detail
6 for each of those findings.

7 If we go to page 690, which is page 40 of the
8 actual -- original report, Mr. Commissioner. And at any
9 point, as I highlight any of these things, if you want to
10 comment, Ms. Bellringer, feel free to do that.

11 A On, on the accountability framework series --

12 Q Yes.

13 A -- there's just -- there's one thing I did want
14 to point out on the child care standards.

15 Q So if we can go back -- what, what page of the
16 original report?

17 A It's page 20, item 3.4.

18 Q So that's page 670.

19 A Where you drew attention to the "two of the four
20 mandated agencies reviewed, were utilizing out-of-date
21 child care case management standards."

22 Q Yes.

23 A I think it is important to note that we did find
24 that the child care standards were regularly reviewed and
25 updated by the department.

1 Q Okay.

2 A And the importance of that is the difference
3 between the standards are there but the use of those
4 standards and the, and the need for communication between
5 the two to make sure that that's happening. So --

6 Q Okay.

7 A -- yes, there are standards and there is a
8 difference between having them and using them.

9 Q Good. Well, I'm glad that you pointed that out.
10 Thank you.

11 A Okay.

12 Q Then we are looking at page 40 which is page 690.
13 This deals with "Funding Models". Under "Audit
14 Objective and Criteria."

15
16 "To determine whether the mandated
17 agency funding model for children
18 in care was appropriate to ensure
19 fair and equitable funding levels
20 were provided consistent with the
21 expected quantity and quality of
22 services."

23

24 And the conclusions were that:

25

1 "Because of the lack of
2 information on the logic
3 supporting the funding models'
4 calculations we were unable to
5 conclude on whether mandated
6 agency funding models were
7 appropriate, or resulted in
8 sufficient funding to ensure that
9 the expected quantity and quality
10 of services could be consistently
11 delivered. The lack of logical
12 support for the funding models'
13 creates a situation where funding
14 levels could be susceptible to
15 criticism."

16

17 And you go through the, the criteria which were
18 reviewed which include that:

19

20 "... Funding models should be
21 based on documented rationale that
22 is clear, and supported by valid
23 assumptions."

24

25 And your finding was that:

1 "(The) models were not adequately
2 documented - (that) there was a
3 lack of support to assess whether
4 (it would be) funding assumptions
5 were reasonable ..."

6
7 "... Funding models should be
8 reviewed and updated
9 periodically."

10

11 Which you found had not been done.

12 Generally, what was the concern with respect to
13 the review of the funding model?

14 A And to be honest with you, this is one area that
15 has changed so significantly --

16 Q Yes.

17 A -- that when we get to the follow up it's a
18 different story. So going back to it, I mean there, there
19 was definitely a variation that was found amongst -- in the
20 way that the various agencies were funded and there, there
21 also had been not enough stepping back and making sure that
22 the model, itself, was reflecting what was needed.

23 So, as I say, this one area is, is a completely
24 different story today.

25 Q And, and we're going to hear that --

1 A Yeah, yeah.

2 Q -- story from you and then from later in the, in
3 the month, from the, the department and, and the
4 authorities.

5 A Yeah.

6 Q But the concern, itself, that the audit
7 identified?

8 A I mean, it -- there's quite a few areas and the
9 first was the funding assumptions. So when we looked at
10 the -- we, we looked at the various components that made up
11 the, the, the amount that would be the, the funding number
12 is a -- you can break it down to a series of components.
13 And when we looked at those and compared them amongst the
14 various agencies they differed. And we've got a chart and
15 the -- on the next page of the -- right after -- not --
16 page 42 of the report, itself.

17 Q Figure 10.

18 A Which does -- Figure 10 shows the comparison for
19 First Nation mandated agencies and non-First Nation
20 mandated agencies and then there was a comparison with
21 Winnipeg Child and Family Services and it's just -- it's
22 not the same for each of those columns. So you can see the
23 component is different. That was, that was one, one area.

24 Q So inconsistencies in, in funding calculations?

25 A In not just -- not the, not the final calculation

1 but rather what's it based on?

2 Q Okay.

3 A So there would be -- I'm just going to try to
4 find the example for you.

5 Q Give us one example.

6 A For -- per funded employee there would be a
7 funding of 5,000 for travel and then, you know, 3400. Now,
8 that's actually one where it's pretty logical because if
9 you're going farther it's going to cost you more.

10 Q Yes.

11 A Some of it was -- there was, there was some
12 difficulty looking for the, the original rationale behind
13 why it was, was set out this way and we, we drew attention
14 to that. It was quite, quite an old model.

15 Q Okay.

16 A We would have expected just an annual step back
17 and check and make sure it's still relevant. I, I think we
18 got into a couple of --

19 Q You're looking at page --

20 A -- examples of where it was quite dramatically
21 different but I'm --

22 Q The next page.

23 A To be honest with you, I'm not so -- I didn't go
24 -- I didn't -- I'm not familiar with the, the detail in
25 here.

1 Q Fine.

2 A I would have to go through it myself to give you
3 an answer to that.

4 Q That's not a problem. Let's --

5 A I did, I did focus on things that I still thought
6 needed to be paid attention to as opposed to things that
7 had been fixed so --

8 Q Good. Okay, good, good. All right. So then
9 let's get through this, this report. Page 48 of the
10 original report, which is page 698. "Mandated Agency
11 Operations. Audit Objective and Criteria."

12

13 "To determine whether management
14 practices at mandated agencies
15 were sufficient to ensure the
16 needs of children in care were
17 effectively addressed."

18

19 "(You) concluded that there were
20 weaknesses in certain management
21 practices at the four mandated
22 agencies reviewed. As such, the
23 weaknesses may have potentially
24 impacted mandated agency
25 effectiveness."

1 And your conclusion was based on "observations at
2 four mandated agencies."

3 And if we go to the next page, for example, 5.6
4 says:

5
6 "Mandated agency supervisors
7 should conduct quarterly reviews
8 with mandated agency case managers
9 of all open child case files."

10
11 That was the objective. And the conclusion was
12 that:

13
14 "Quarterly supervisory reviews
15 were not consistently documented
16 to evidence that they were
17 performed on all open child care
18 files - 79% of the child care
19 files sampled, lacked evidence
20 that supervisory reviews were
21 conducted. At two mandated
22 agencies, standard forms were in
23 place, but were not used."

24
25 If we go to page 55 of the report, which is page

1 705 of the disclosure. Scroll down to 5.6 please. This is
2 a more elaborate discussion of the supervisory reviews and
3 the observations indicate:

4

5 "We reviewed a sample of 30
6 randomly selected children in care
7 files at each of the four mandated
8 agencies for a total of 120 files,
9 ... Of the 120 files reviewed,
10 ... (79%) lacked evidence that
11 supervisory reviews were conducted
12 on a quarterly basis during the
13 year ended March 31, 2004."

14

15 And that's set out in a table.

16 And on the next page, page 56 of the original,
17 page 706 of the disclosure, you indicated that:

18

19 "Staff at the mandated agencies
20 provided the following comments:
21 - Staff at Agencies A and B
22 indicated that supervisory reviews
23 were conducted, but not
24 documented. Of note, is that
25 Agency B had a standard form that

1 was intended to be used for
2 documenting supervisory reviews;
3 - Staff at the Agency C indicated
4 that they did not ensure that
5 supervisory reviews were
6 conducted. A standard form was
7 used when reviews were documented;
8 and
9 - Staff at WCFS --"

10

11 Is that Winnipeg Child and Family Services?

12 A Yes.

13 Q

14 "-- indicated that they had only
15 informal processes in place. No
16 standard form was used, but notes
17 may have been put on file."

18

19 Then, scrolling down a few bullets you indicate
20 that:

21

22 "Case Management Standards in the
23 Agencies Relations Manual required
24 that supervisors 'complete the
25 Review Report within 14 working

1 days from the date of the review'.
2 The Case Management Standards
3 provided no direction on what a
4 supervisory review should focus
5 on."

6
7 Then if we turn to page 65 of the original
8 report, which is page 715 of the disclosure. This section
9 on "Transition of Roles and Responsibilities to CFS
10 Authorities" just briefly, tell us what this section was
11 focusing on.

12 A The, the objective was to look at the, the new
13 boards of directors at each of the four authorities and
14 really the -- at the end of the, the work that we did, we
15 realized it was so early that -- it was such early days
16 that we really were unable to do an assessment. So we did
17 look at some aspects of it and the, the overall conclusion
18 being that they were at different stages of development in
19 establishing their governance structures and practices and
20 when we're talking governance structures and practices
21 we're talking about the, again, administrative basics of
22 how meetings are held, notice, and the kind of volume of
23 information board members are required to review and assess
24 and do they know what their expectations are, and do they
25 do their job and is it documented, and it is -- looking at

1 some, some specifics around that would be things like
2 conflict of interest and that was something we did look at.
3 And we were looking for whether or not they were signing
4 conflict of interest or confidentiality agreements on an
5 annual basis and that was not the case.

6 We also -- we were auditing against a mature
7 model of, of governance and something we would expect in
8 any board of directors and they would need an audit
9 committee, for example, or some function of an audit
10 committee and that, again, had not been established in any
11 of the four authorities at this point.

12 We would have looked at it right from the start
13 of how they, how they link it, do they -- the, the board of
14 directors being responsible for strategy and vision and the
15 management being responsible for implementation of that.
16 So did they have it explicitly set out in a strategic plan,
17 in some kind of, of, of formal document and so on. So we
18 did conclude that they needed to -- it was all -- we didn't
19 actually make a conclusion on it because it was early
20 days --

21 Q Yes.

22 A -- but we said they were still in development
23 around those -- the planning, the training. It would be
24 expected that the board would conduct an evaluation of the
25 senior management and then take action, if needed, that

1 kind of thing --

2 Q So --

3 A -- and that was still not done yet.

4 Q -- was the point then of, of your
5 recommendations, at that stage, given that it was early, to
6 give some guidance; is that fair?

7 A Just -- you know, going to the -- I don't know
8 that we even went into the recommendations in that area
9 because it was too early. I mean, we really did just, just
10 recognize the fact that it, it, it would at some, some
11 point. We, we have a couple but we, we look at did they
12 develop monitoring processes, which is pretty broad.

13 Q Okay.

14 A Ensure the -- again, that they should implement
15 audit committees, that they should evaluate the CEO
16 performance and that they should continually reflect on
17 their governance practices.

18 So, I mean it didn't get into the specifics of
19 for this particular agency --

20 Q Right.

21 A -- the most important area would be this but
22 rather, just generally speaking, all four of them should
23 look at all of those areas.

24 Q Right. So some guidelines --

25 A Yeah.

1 Q -- as they were developing?

2 A Yeah, yeah. Which would be -- which would
3 reflect good practice in, in any board.

4 Q Right. Your recommendations then start at page
5 73 of the original report, which is page 723 in our
6 disclosure. And you make recommendations to the province,
7 the Department of Family Services and Housing, as it then
8 was known, the Child and Family Services Authorities and
9 the mandated agencies.

10 Most of the recommendations, is it fair to say,
11 were made to the Department and the Authorities. Only one
12 to the province and that was with respect to making
13 consequential amendments to certain legislation.

14 A And that's a distinction between the province as
15 a whole --

16 Q Yes.

17 A -- as contrasted with the Department of Family
18 Services which obviously is part of the province and this
19 just -- the change to legislation is something more --
20 requires the, the legislature to deal with it.

21 Q So starting at page 73 then, to the Department
22 and Family Services and Housing, you recommended "Strategic
23 Planning and Outcome Oriented Goals and Objectives." And
24 I'm just going to go through a few, a few of them.

25

1 "That the CFS Division identify
2 outcome-oriented objectives
3 (contained in a Strategic Plan)
4 for the provision of services to
5 child in care and families.
6 (And) That the CFS Division
7 develop output (or) outcome
8 measures ... on which CFS
9 Authority performance would be
10 assessed."

11

12 What's the significance of that recommendation,
13 what are you saying there?

14 A And just, just to comment on the, the first set
15 of recommendations through to the department are all
16 followed up in the report when we get to the follow up
17 report.

18 Q Yes.

19 A And the, the -- this is probably the most complex
20 of all of the recommendations around strategic planning and
21 outcome oriented goals. It's not -- it sounds, it sounds
22 really easy but it's not and it's most complex in a
23 legislative environment and governments because of the link
24 between one department and another.

25 So, I mean, if, if you look at the perfect

1 picture of a -- of government identifying outcome oriented
2 goals it sets out with what are the goals for the province
3 as a whole and then which department is going to be
4 responsible for which element of it.

5 And having said that, one has to be practical and
6 so we still would expect, for an individual department,
7 that they could carve off a part and say how are we going
8 to measure whether or not we're making the difference we're
9 intending to make? And so the more measurable it is the
10 better and again, it's more meaningful to, to, to think of
11 it in -- as something less tangible than a thing you're
12 going to measure. We want to improve it, we want to see it
13 develop, those are all more meaningful but impossible to
14 measure or at least you would have to really set out what
15 criteria you're going to use to measure that. So we're,
16 we're, we're expecting something at the measurable level,
17 how are we going to know whether or not the department is
18 being effective in delivering its program.

19 Q That's something that the public needs to know?

20 A Absolutely. The -- I mean, our focus is always
21 with the legislature and how do, how do the members of the
22 legislature know that the work they're doing is
23 accomplishing the goals they're setting out to accomplish.

24 Q So this, this first set of recommendations, aimed
25 at the Department of Family Services and Housing, was aimed

1 at having them identify how, how they were going to measure
2 whether they were effective?

3 A Correct. And also the link through to that is
4 accomplished through the delivery of service, through the
5 authorities, through the agencies, and so the coordination
6 amongst the three is critical.

7 Q And I'm going to go through these very quickly
8 because I think that it's probably more effective to go
9 through the recommendations, the follow up of those
10 recommendations. But you did identify, on page 74, which
11 is the next page, recommendations with respect -- aimed at
12 quality assurance, aimed at CFSIS. Recommendations on the
13 next page aimed at the funding model. And as I said, we're
14 going to go through some of those in more detail --

15 A Um-hum.

16 Q -- when we look at your follow up report. And
17 then starting at page 76 of the report, that's the original
18 page, which is 726 of our disclosure, then you set out
19 recommendations specifically to the Authorities.

20 And again you have recommendations with respect
21 to Planning and Outcome-oriented Goals and Objectives,
22 Monitoring of Mandated Agencies, Quality Assurance Reviews,
23 CFSIS Completeness and Accuracy, and recommendations with
24 respect to the Funding Model.

25 At page 79 of the original report you look -- you

1 make recommendations to mandated agencies, supervisory
2 reviews.

3 And then at page 80 of the original report you
4 make recommendations to the mandated agencies, as well.
5 Have you got -- are you following along with me, Ms.
6 Bellringer?

7 A I am. I am, I am looking -- there was -- I'll
8 explain it to you in a second.

9 Q Okay.

10 A There's a reference in the follow up that I just
11 wanted to make sure I knew where it was because it's
12 important to this.

13 Q Okay. We're going to deal with the follow up in
14 a minute, did you want to deal with it before we get to the
15 follow up report?

16 A Well, it was -- when we did the follow up, when
17 we only looked at the recommendations directed to the
18 department --

19 Q Yes. And we're going to discuss that.

20 A -- and, and then in one of the recommendations to
21 the department we link it -- we've actually put the -- the
22 ones to the authorities and to the agencies, we have an
23 appendix to the follow up report --

24 Q Yes.

25 A -- and through one of the recommendations we link

1 it to the department and say --

2 Q Right.

3 A -- we think it should be followed up by them and
4 we have not conducted a follow up on the recommendations to
5 either the authorities or the agencies.

6 Q Yes.

7 A The agency recommendations are aimed at all of
8 the agencies. When we did the audit we only selected four,
9 we don't name them in the report it was meant to just be a
10 reflection of just getting a sense of where the agencies,
11 in general, were at. And so, we, we could not go into all
12 of the agencies and do -- well, we could but it would take
13 a significant of time and --

14 Q Right.

15 A -- so it wouldn't be practical for us to go into
16 each of -- each and every one of the agencies. So I don't
17 know the current information about either of those areas --

18 Q Yes.

19 A -- and we didn't do that when we did the report.

20 Q Yes. And, and thank you and certainly we'll
21 highlight that in a moment --

22 A Okay.

23 Q -- when we look at the follow up report because
24 ultimately the follow up report was just directed at the
25 department, the recommendations made --

1 A Correct.

2 Q -- to the department.

3 THE COMMISSIONER: And the recommendation is made
4 to the department?

5 THE WITNESS: Correct.

6 MS. WALSH: And we'll focus on that in, in a
7 minute.

8

9 BY MS. WALSH:

10 Q But in the original report you did aim
11 recommendations at the department, the authorities and
12 agencies and then you received a response, as you've said
13 you often do, both from the department and from the
14 authorities and those responses are set out at page 83 of
15 the original report, which is page 733 of our disclosure.
16 That's where they start.

17 And I think you told us, this morning, that this
18 is something, a typical opportunity that you afford, when
19 you've done an audit, to allow for the response as a matter
20 of, of fairness and, and completion, comprehensiveness.

21 A It's, it's a typical process. It's longer than
22 we usually have, it's usually quite a brief thank you for
23 your audit, we're going to implement it all. I think it's
24 meaningful that it's longer than that because it's
25 certainly reflecting the -- we did have a long discussion

1 at the finalization stage and I think it does reflect the
2 consideration, a serious consideration of the
3 recommendations we were making, so, so we chose to include
4 the full response. Normally we would ask for it to be
5 edited down somewhat but we didn't think it was necessary
6 in this case.

7 Q And without reading through the entire response
8 from the department, they do identify that at the same time
9 as receiving your report they had commissioned and received
10 the other reports that are now listed in the
11 order-in-council that we've put into evidence --

12 A Um-hum.

13 Q -- arising out of the discovery of Phoenix's
14 death and that they're going to be addressing those
15 recommendations, as well.

16 A Yes.

17 Q And so that was something that they felt was
18 important for you to know, as part of your process.

19 A The -- there's one comment in the letter at the
20 very front of the report that we, we do note that --

21 Q This is the letter that you sent to George Hicks?

22 A Yes, yes.

23 Q So that's at page 647 of --

24 A On the second page if it, we comment this draft
25 report was made available to those teams because it was all

1 happening at the same time and we, we actually had one of
2 our audit staff, who -- the fellow who worked on the audits
3 of the agencies, participated on the external views.

4 Q So that the -- your, your review and the other
5 reviews and the follow up to those were not done in
6 isolation --

7 A Correct.

8 Q -- one from the other.

9 A And trying the best we could to have some
10 coordination.

11 Q Which sounds like a good thing.

12 A It does, indeed.

13 Q In the response from the authorities, which
14 starts at page 86, which is page 737 or 736, actually. If
15 we can scroll down to the bottom of that page. The
16 authorities' comment that:

17

18 "Given that the audit was
19 conducted on practices and
20 processes in place during 2002/03
21 and 2003/04, it is important to
22 note that the CFS Authorities did
23 not have a full year of operations
24 until 04/05. Thus, while the
25 findings in the report pre-date

1 the CFS Authorities, the audit's
2 findings and recommendations will
3 assist the ... Authorities as they
4 build and develop sound and
5 leading edge governance and
6 administrative practices in the
7 new system."

8

9 And they also reference the external report, Strengthen the
10 Commitment and the Child Death Review.

11 They point out that:

12

13 "... there is considerable overlap
14 between the recommendations of the
15 audit and the recommendations
16 contained in these external
17 reviews --"

18

19 That were commissioned as a result of the discovery of
20 Phoenix's death.

21 They also say:

22

23 "It is important to note that the
24 issues identified in the audit and
25 in the external reviews pre-date

1 the AJI-CWI. The issues are not a
2 result of the AJI-CWI; rather,
3 (the) AJI-CWI has inherited them.
4 The intensive restructuring
5 process that has characterized the
6 (child welfare initiative) has
7 highlighted the need to find
8 innovative and sustainable
9 solutions ..."

10
11 Finally they say:

12
13 "With 80% of the children in care
14 being Aboriginal, First Nations
15 and Metis people, perhaps more so
16 than the general public, are
17 acutely aware of the shortcomings
18 of the child and family service
19 system, and have a much larger
20 investment in seeking long term
21 improvements. The decision to
22 proceed with (Aboriginal Justice
23 Initiative, Child Welfare
24 Initiative), in spite of the
25 deficits in the CFS system,

1 stemmed from the desire to reclaim
2 the fundamental right of looking
3 after our children. It was our
4 belief that substantive change
5 would only occur with a major
6 restructuring of the system."

7
8 So I think that, that puts some context that the
9 authorities felt was important on the audit and clearly
10 that's part of why your department included the, the entire
11 response?

12 A Indeed.

13 Q Which then takes us to your follow up report.
14 And that is not yet in evidence. It's a matter of public
15 record but --

16 A Correct.

17 Q -- let's put it into our disclosure or into, into
18 our evidence as the next exhibit, please.

19 THE CLERK: Exhibit 43.

20 THE COMMISSIONER: Exhibit 43.

21

22 **EXHIBIT 43: FOLLOW UP OF OUR**
23 **DECEMBER 2006 REPORT - AUDIT OF**
24 **THE CHILD AND FAMILY SERVICES**
25 **DIVISION PRE-DEVOLUTION CHILD IN**

1 **CARE PROCESSES AND PRACTICES DATED**
2 **SEPTEMBER 2012**

3
4 THE COMMISSIONER: Thank you.

5
6 BY MS. WALSH:

7 Q So Exhibit 43 is called Follow Up of Our December
8 2006 Report - Audit of the Child and Family Services
9 Division Pre-Devolution Child in Care Processes and
10 Practices. It's dated September 2012. Now, this, this was
11 a follow up report done in the nature of a review as
12 compared to -- contrasted with an audit?

13 A Correct.

14 Q And how did your office come to complete this
15 report?

16 A Can, can you explain to me what you're --

17 Q What prompted, what prompted your follow up
18 report?

19 A We, we do follow up all of the reports.

20 Q Okay.

21 A So we were going -- we actually had paused on
22 this one, it should have been done sooner, we should have
23 done a follow up -- I, I mentioned that we had changed our
24 follow up process to, to issuing a follow up for the
25 legislature one year after the report. Previously we had

1 waited three years and the three year timeframe was
2 selected years ago because we felt that that left every
3 organization with enough time to implement all of our
4 recommendations.

5 It was also at a time when the Public Accounts
6 Committee wasn't meeting very often and so the -- it, it
7 worked. But then we got a committee that was meeting quite
8 often, they were up-to-date on looking at reports, and they
9 were getting a follow up three years later but they already
10 had an update from the department after about a year so it
11 wasn't working so we moved to the one year.

12 This one fell through the -- it didn't fall
13 through the cracks in the sense that we ignored it but as
14 we started to do the follow up in that it would have fallen
15 into the three year period originally, when we started to
16 do the follow up we realized just how massive a job it was
17 and even at a review level we really weren't able to, to
18 get it all done and that was an attempt to look at a follow
19 up of the recommendations to both the department and the
20 authorities, we still were leaving out the recommendations
21 to the agencies.

22 So we acquired a lot of information from each of
23 those groups, started going through it and, and, and for it
24 to be meaningful we would have had to have done enough work
25 to, to be able to say, for the areas that were implemented

1 that indeed we, we agreed that that was the case and we
2 just didn't get it done until -- by the time we were at the
3 stage of deciding what to do the inquiry had been called
4 and so we thought, okay, what can we do and get it done and
5 get it out in time for you to be able to use it. And so
6 that was when -- and at the same time our, our process had
7 changed to one year, which really had no impact on this.

8 So we did a more lengthy report, provided more
9 information as I mentioned, again because the, the, the
10 need of the inquiry is very different from the need of the
11 legislative committee.

12 Q So the follow up, this follow up report then,
13 we've marked as Exhibit 43, this is not typical of your
14 follow up reports, you did a, a more fulsome report for our
15 benefit?

16 A That's correct.

17 Q The, the inquiry's benefit?

18 A That's correct. So your -- you will have in
19 here, for each of the recommendations we followed up, you
20 get a full description of what the original issue was, and
21 a narrative on not just what the, the status is in one
22 single word but rather a description of what has been done
23 to either address and fully address the recommendation or
24 the progress that has been made to date. And we normally
25 would stop at the implemented -- or with no description

1 when we provide the report to the legislature.

2 MS. WALSH: Can we pull the -- do we have this on
3 the stick?

4 THE CLERK: I think so.

5

6 BY MS. WALSH:

7 Q So if we can turn to page 4, the -- by the time
8 you did this follow up, of course the structure of the
9 department and the authorities had changed so you couldn't
10 -- is it fair to say you couldn't, you couldn't compare
11 apples to apples?

12 A Correct. And that was what had complicated the,
13 the original follow up that never got issued because we
14 were trying to look at a recommendation that was directed
15 to an authority which -- or, or to the department which was
16 now the responsibility of the authority and it got quite
17 complicated.

18 Which -- so we included in here -- we said it's
19 equally as important to provide an updated background so --
20 and the other element that we found complicated was
21 understanding how the funding was, how the funding was
22 flowing from the department through to the agencies so we
23 did include in the background a description of the new, the
24 new organizational structure as well as the, the, the
25 funding and the funding amounts.

1 So we have figure 4 on page 6, which shows --

2 Q So, sorry, let's just start with on page 4, you,
3 you've identified the changes in the program delivery and
4 the existence of the four authorities and their
5 responsibility?

6 A Correct.

7 Q And you set out, and if you scroll down please,
8 in figure 3, the authority and who appoints the members to
9 their boards.

10 A Which was the significance of the new Act.

11 Q Right. And then on the next page you outline the
12 responsibilities of the CFS authorities which include a
13 number of, of responsibilities, including:

14

15 "Promoting the safety, security
16 and wellbeing of children and
17 families and protecting children
18 in need of protection."

19

20 And then towards the bottom of that page, you,
21 you set out -- you say that the:

22

23 "... Authorities receive funding
24 from the Department for their own
25 operating costs as well as for the

1 operating costs of their mandated
2 agencies. Funding amounts are
3 determined based on the
4 Department's Authority and Agency
5 Funding Model."

6

7 And then you identify that:

8

9 "In October 2010 --"

10

11 And this is what you had been alluding to earlier --

12

13 "-- the Department implemented a
14 new funding model which, for First
15 Nations CFS mandated agencies,
16 uses a 60/40 percent
17 provincial/federal split for
18 agency core funding. This split
19 reflects the fact that
20 approximately 60% of the children
21 in care of First Nations CFS
22 mandated agencies were funded and
23 supported by the Provincial
24 Government and approximately 40%
25 of children in care were funded

1 ... by the Government of
2 Canada --"

3

4 First Nations children and that the sharing formula would
5 be in place for five years.

6 And then on the next pages you set out the
7 funding sources and, and arrangements so that you've,
8 you've gone to some detail to set all of that out.

9 And then at page 10 you identify, in your follow
10 up process, what exactly you did and this is what you were
11 beginning to tell us about, a few minutes ago.

12 So you identified that the 2006 report included
13 86 recommendations, 28 of which were directed to the
14 Department of Family Services and Labour but that in
15 conducting a follow up you were focusing solely on, on
16 those recommendations directed to the department with the
17 exception of recommendation 44 which was directed to the
18 authorities but which you believed was best followed up
19 from the department's perspective.

20 So, in the follow up report, you ended up
21 reviewing 29 of the original recommendations?

22 A That's right.

23 Q Okay. And just explain again why, why it is that
24 you only focused on those recommendations and what you
25 expected would happen with the remaining recommendations.

1 A The, the primary reason was time. The, the -- we
2 decided to do something that we could get done in time. We
3 debated whether we would continue and follow through on the
4 recommendations to the authorities and we just -- it would
5 have taken more time than we had available to get it
6 available for you and we -- so we, we opted not to do that.
7 And having said that, we, we didn't -- we did include it as
8 something that we, we also believe it would be the
9 department's responsibility to be making sure that those
10 things were in place, through to the authorities, and
11 likewise, the authorities should be looking at the
12 recommendations that were originally aimed at the agency.

13 So it's not as though we don't think someone in
14 the system should be looking at them it's just not going to
15 be us.

16 Q All right. And your report does specifically
17 identify that expectation, that the --

18 A That's correct.

19 Q -- department will follow up --

20 A Yeah.

21 Q -- with the authorities --

22 A Yeah.

23 Q -- and the authorities will follow up with the
24 agencies.

25 A And there are many, many recommendations flowing

1 out of all of these various reports that I know the
2 department has a process around following up so --

3 Q Right.

4 A -- we're not, we're not, we're not intending to
5 do any further work in that area.

6 THE COMMISSIONER: You're comfortable, though,
7 leaving it that way?

8 THE WITNESS: Only because of the decisions we
9 have to make, government-wide, around all of the various
10 areas we could possibly be out auditing and the limited
11 resources we have. So I'm, I'm slightly uncomfortable that
12 in the -- I will not know, for sure, unless I look myself,
13 and you know, not because I don't trust anyone but we're in
14 the business of trust and verify and so I, I prefer to be
15 able to go out and do an audit of it and the choices,
16 because of the other priorities on our, on our plate from
17 other, other areas completely unrelated to Child and
18 Family.

19 THE COMMISSIONER: Which you have been told is
20 being done?

21 THE WITNESS: I'm sorry, the, the ones we're
22 having to consider, whether we, whether we go into a Crown,
23 or another organization, or another department, we're
24 choosing to go into those other areas as opposed to go back
25 to Child and Family. So it's, it's not because we don't

1 think it's critical and it's not because we don't think
2 that we could continue to add some value to the process,
3 it's just we just have to make that choice and we've chosen
4 not to.

5

6 BY MS. WALSH:

7 Q So with respect to the other recommendations, the
8 ones from your report, that were aimed at the authorities
9 and the agencies, is it fair to say that we should expect
10 to hear from the department and the authorities here or as
11 to the follow up that they've done on those
12 recommendations?

13 A That would be the -- yes, I would say that that
14 would be a valuable contribution to the, to the process.

15 Q Okay. Thank you. In terms then just of the
16 follow up process, looking at page 10, scrolling down, you
17 identify:

18

19 "The status of each of the
20 recommendations has been
21 classified into one of the
22 following categories:

23 Implemented/Alternative Solution
24 Implemented."

25

1 Which identifies:

2

3 "The recommendation has been
4 implemented as issued or an
5 alternative solution has been
6 implemented that mitigates the
7 risk identified in the initial
8 recommendation."
9

10 And this, in a follow up report, you've said you
11 just look at -- well, not just but you look at whether
12 there is a plausible explanation to verify, you don't do
13 another audit?

14 A That is correct. And, and in this particular
15 report, because we've included a great deal of information,
16 more than we usually do --

17 Q Yes.

18 A -- you can really see from the narrative what we
19 have done.

20 Q Right. Okay, thank you.

21 Then another -- a classification for the review
22 of the recommendations is:

23

24 "Do not intend to implement.
25 Management does not intend to

1 implement as issued or mitigate
2 the risk identified in our initial
3 recommendation."

4

5 Board "in progress" which means:

6

7 "Management is in the (progress)
8 process of taking steps to
9 implement our recommendations."

10

11 Or,

12

13 "No progress. Management
14 continues to agree with the
15 recommendation but has made no
16 steps to implement our
17 recommendation."

18

19 A I, I can't -- I'm probably jumping ahead a little
20 bit but I will point out that on the do not intend and no
21 progress we did not find any in that category.

22 Q Okay. Then let's go to the next page, which has
23 a chart that shows the implementation status as at May
24 2012. So this -- and this is, again, just relating to the,
25 the 28 recommendations that were directed at the department

1 plus the, the one extra, so you come up with 29.

2 So there were 29 recommendations, you identified
3 that 15 of them have been either implemented or an
4 alternative solution has been implemented and 14 of them
5 were still in progress.

6 A Correct.

7 Q So just over 50 percent had been implemented at
8 the time -- or an alternative at the time that you
9 conducted the follow up?

10 A Um-hum, that's correct.

11 Q Then you -- if we scrolled up -- scroll down, you
12 identified that you are:

13

14 "... pleased to note that the
15 recommendations pertaining to the
16 following critical areas have been
17 satisfactorily implemented or are
18 otherwise resolved..."

19

20 The numbers are the numbers of the, the
21 recommendations, themselves. So,

22

23 "Agreements with Authorities,

24 • funding model,

25 • Chief Medical

1 Examiner/Children's Advocate
2 reports (and)
3 • ensuring all mandated
4 agencies are using CFSIS."

5

6 And we'll come back to discuss that one in some
7 detail.

8 Then you say:

9

10 "Unfortunately, progress has been
11 slow in a number of areas,
12 including recommendations aimed
13 at:

- 14 • ensuring an effective central
15 information/case management
16 system
17 • monitoring Authority
18 operations and conducting
19 quality assurance reviews
20 • resolving child maintenance
21 funding issues
22 • ensuring the Child Abuse
23 Registry is updated in a
24 timely manner ...
25 • requiring periodic criminal

1 record and child abuse
2 registry checks for foster
3 parents and ...
4 • developing a strategic plan
5 with outcome measures."

6
7 Now, not all of these are, in, in our view,
8 equally relevant to the work of this Commission. We have
9 determined that, when we're looking at the recommendations
10 in the various reports, set out in the order-in-council,
11 we're going to keep it within the context of services that
12 were or could have been delivered to Phoenix Sinclair and
13 her family. So, I'm not going to go through all of the
14 follow up but let's, let's start with page 17.

15 Now, this page relates to the recommendations
16 two, three and four, referencing strategic planning and
17 this is something that I spent some time with you, a few
18 minutes ago, and under description of the issue, the 2006
19 audit conclusion was:

20

21 "The department did not have
22 formal results-oriented goals and
23 outcome measures for the Child
24 Protection Branch of CFS Division.
25 As a result, mandated agency

1 performance was not linked to
2 Department expectations."
3

4 And the status of this recommendation you
5 identify as being in progress. What was your understanding
6 as to the status of this recommendation?

7 A The, the first step would be to have a formal
8 well communicated strategic plan and when we did the follow
9 up it was in draft form, so that would -- first it would
10 need to be something available to everybody.

11 It, it was considering their goals which, which
12 are -- is meaningful but we also included the, the comments
13 on the, the National Child Welfare Outcomes Indicator
14 matrix, which is being considered by the division but when
15 you compare those to the, the goals of the division there
16 -- they are easier to measure. The, the -- they would be
17 -- we would expect to see something of that nature in the
18 strategic plans so I am glad they are considering it and I
19 would certainly be wanting to know which of those are the
20 most critical for the department and have that communicated
21 in the plan. And something a little bit more specific than
22 a -- just considering it, what specifically about it are
23 they considering?

24 Q Would you expect that a large government run
25 system would have goals and outcomes that were measurable?

1 A We always expect it, we don't always find
2 it.

3 Q As of the date of your follow up report, had you
4 found that information with respect to the child welfare
5 system?

6 A No, we had not.

7 Q Let's go to page 19. Now, this deals with
8 agreements with the CFS authorities and you've found that
9 this one had been implemented. There's a reference to the
10 service purchase agreements. Why was that something
11 significant for your office to focus on?

12 A It would be the agreed upon -- the document that,
13 that really sets out the expectations and understanding,
14 both from the department and then from the other -- the
15 signatory to the, to the service purchase agreement, it's
16 used in many departments of government to ensure that those
17 receiving grants are applying them in the way they are
18 expected to, to deliver the public service.

19 It -- at the time of the original audit it -- we
20 were looking at the service purchase agreements to the
21 agencies because it was being done direct before the
22 creation of the authorities and so in this case we followed
23 it up from the department, showing service purchase
24 agreements with the authorities.

25 The -- while, while we did consider it

1 implemented, we did note that they had all expired with two
2 of them having an extension clause enforced, so we would,
3 we would hope that these would continue to be kept
4 up-to-date and always renewed.

5 Q Do, do these kinds of agreements have any role
6 in, in terms of the assessment of accountability within the
7 system?

8 A Yes, yes, very much so and this -- so that would
9 -- it would also include information about what reports
10 have to be provided when, the nature of those
11 reports.

12 Q So that's why focusing or looking at those kinds
13 of agreements is, is significant?

14 A Yes. And that's why it would be a big part of
15 the accountability framework, original objective.

16 MS. WALSH: Okay. Mr. Commissioner, did you want
17 to take the break now or --

18 THE COMMISSIONER: Yes, if that's a convenient
19 place for you.

20 MS. WALSH: Works for me.

21 THE COMMISSIONER: All right, we'll take a 15
22 minute mid-morning break.

23 MS. WALSH: Thank you.

24

25 (BRIEF RECESS)

1 BY MS. WALSH:

2 Q Let's turn to page 22 of the follow up report,
3 please. Now, this is recommendation eight relating to the
4 using statistical information. What were you looking at
5 here, what was this recommendation and the issue?

6 A There, there is quite a lot of information --
7 this was, again, the audit was done prior to the devolution
8 so we were looking at it from the department receiving a
9 lot of information from agencies and we were looking at how
10 that could be used in a -- pull the information together so
11 that the examples we, we looked at were -- you could look
12 at compliance with standards, sufficiency case loads and so
13 on, just by pulling together all of the agencies you would
14 have a more cross the board look at those sorts of things.

15 So we were -- at the time we, we did the 2006
16 report we said it was limited and what we saw in the, in
17 the, in the follow up was that the information available in
18 the, the information systems, the CFSIS, was being used to
19 extract that -- the kind of thing that we were looking for.
20 They were designing some -- I'm just going to look -- read
21 out what we -- exactly what we put into the report. You
22 could assess -- hang on one sec.

23 I don't know if we put any specific examples, we
24 just said we, we felt that it was addressing this. The,
25 the way that the funding levels were, were being determined

1 was extracting the active cases out of CFSIS so that would
2 be an example of how the system was being used more, more
3 actively.

4 Q Were you able to identify whether the system was
5 being used to identify things such as compliance with
6 standards, efficiency, case load?

7 A That would be an example of what we would be
8 looking for. We didn't get into listing out all of the
9 specifics though, no.

10 Q But your report doesn't indicate what your
11 findings were with respect to that?

12 A It, it -- at the time that we did the original
13 audit it was more of a matter of having the information and
14 not using it so --

15 Q I see.

16 A -- we didn't really get into a lot of detail
17 about what we would expect it to be used for but it, it, it
18 could be anything from what are the caseloads, is a good
19 example.

20 Q Okay. You didn't look at whether --

21 A That you should be able to tell from that.

22 Q -- that was in fact -- whether the system was, in
23 fact, being used for that purpose, you didn't look at that?

24 A Currently not but we did see much more -- a
25 greater use of the detail to, to roll it up into

1 information that they were looking for at the department
2 level.

3 Q The next page, 23, recommendations nine and 10,
4 relating to conducting quality assurance reviews. What was
5 this recommendation about?

6 A There, there -- the two recommendations. So the
7 recommendation nine, the manual, itself, was not updated in
8 a timely manner. The --

9 Q That's the quality assurance manual that you're
10 referring to?

11 A Correct. Yes, the quality assurance manual.
12 There were some changes to policies and procedures that
13 were in a different manual and we would expect that the
14 various manuals would all be consistent.

15 The quality assurance process, we wanted to see
16 something very formal in terms of, of how it would be set
17 out and used. The, more important, I would say,
18 recommendation is number 10, that the reviews actually be
19 conducted.

20 Q So recommendation nine was implemented,
21 developing a quality assurance process or developing the
22 manual? Updating the manual?

23 A Yes.

24 Q That's what you found was implemented?

25 A That's correct.

1 Q Then recommendation 10, that the department
2 actually conduct quality assurance reviews of the
3 authorities. That was still in progress?

4 A That's correct as well. We, we didn't see, if
5 you will, a binder on a shelf called a manual but rather
6 the document, including the information that we would have
7 expected to see, so the -- we mention that in the, in the
8 continuous quality improvement framework for Manitoba's
9 child welfare system and a document titled Continuous
10 Quality Improvement of Authorities Statement of Framework
11 and the framework components are listed in the report.

12 The -- that, that would be sufficient to consider
13 the manual being updated.

14 Q I see.

15 A In terms of the actual quality assurance reviews,
16 none of them had been completed at the time of our audit on
17 any of the four authorities. Two, we were told, had been
18 started and there's something separate from a quality
19 assurance review, more specifically a financial review,
20 that had been completed on one and progress on another, so
21 we've got that updated information in here but we had not
22 seen any completed.

23 Q Would you have expected, six years later, to have
24 seen this recommendation be completed?

25 A Quite simply, yes. But I, I am saying that

1 without full, fully understanding why not.

2 Q Okay. And then you do identify, on page 24, that
3 your 2006 report included 39 recommendations that were
4 directed to the authorities and that you believe the
5 department should follow up on the resolution of the
6 underlying issues as part of any future quality assurance
7 review of a CFS authority and those 39 recommendations are
8 listed in appendix "B"?

9 A Correct. I would also add that that's one
10 mechanism, if they chose a different mechanism for the
11 follow up that would be okay, too.

12 Q Okay. Then on page 25, recommendations 11 and 12
13 requesting agency QA reviews. What exactly was this --
14 these two recommendations, what were they directed at?

15 A This was -- and this was one of the changes when
16 the Child and Family Services Authorities Act was
17 introduced that the department could request a quality
18 assurance review be conducted by the authority and what we
19 found was they had not -- and the words we used
20 specifically, they have not invoked their right to request a
21 quality assurance review. They told us they preferred to
22 work more collaborating with the authorities on the reviews
23 that the authority chooses.

24 So they still do have that right to request one
25 and so it's, it's more for information to, to provide the,

1 the fact that it had not yet done so but we didn't have any
2 -- we didn't pursue it to, to -- I don't know what evidence
3 I would have to look at to come to a conclusion on this but
4 we don't know if they wanted to and didn't or whether they
5 just didn't feel a need to and whether, in the future, I
6 can't predict if they needed one in the future they still
7 have the right to request one. So, so we don't have any
8 concerns in this area, but it is important to note that
9 they haven't yet been requested.

10 Q Recommendation number 13 at page 26. The use of
11 CFSIS. Now, this recommendation is a very specific
12 recommendation. Can you just explain exactly what it is
13 and then we're going to talk about it in relation to
14 recommendation 44.

15 A Okay, fine. In --

16 MS. WALSH: Mr. Commissioner, this is at page 26.

17 THE COMMISSIONER: Yes, I have it.

18 THE WITNESS: In recommendation 13, and the way
19 we had worded the original recommendation was that the
20 department clarify and confirm their expectations on how
21 CFSIS is to be used by, by the authorities and agencies.
22 And what we found when we did the follow up is that they
23 had clearly articulated to both the authorities and the
24 agencies that it is a requirement for CFSIS to be used.

25 At the time of the original audit, we noted that

1 a number of -- a lot of information was not included, it
2 was either not completed or it wasn't accurate in the CFSIS
3 system. The recommendation 13 is -- or at the time,
4 rather, in 2006, we said either require it or find
5 something else and so it was important to, to be shown that
6 the requirement to use CFSIS was a clear expectation of the
7 department and it had been communicated.

8 This does not give us any information as to
9 whether or not it's being used but the expectation is
10 clear.

11 Q So that's, that's what had been implemented was
12 the department's expectation of the use of CFSIS by
13 agencies had now been confirmed?

14 A Correct.

15 Q Okay. And in, in following up on that issue, did
16 you talk to any of the agencies?

17 A Not as a part of that particular follow up but
18 subsequent to the 2006 report, in 2000 -- well, I have to
19 check the date, I do have the report with me, I think it
20 was 2012 we issued a report on one agency, we did an audit
21 of Animikii, and we did, while we were doing that audit,
22 look at whether or not they were using CFSIS. And we did
23 find some errors in, in the information.

24 Q Okay. Meaning?

25 A Meaning that the -- there was not a -- it isn't

1 -- in terms of how we wrote the original recommendation, we
2 did look for the department to make the expectations clear.

3 I do think, in addition to that, it's important
4 to somehow find ways to ensure that it's being used.

5 Q Right.

6 A And so the -- there is a responsibility on the
7 organizations, themselves, to do what they're supposed to
8 be doing so I mean, you, you know, there's different levels
9 of how do you best accomplish making sure that that, that
10 that is taking place? You can mandate it, which they have.
11 Then you can verify it, you can check on it.

12 I, I don't know the extent to which that's taking
13 place --

14 Q Okay.

15 A -- but we do know that the, the funding formulas,
16 for example, are dependent on information being put into
17 CFSIS, which is a very effective way to make sure that an
18 organization is using it.

19 Q Okay.

20 A So I think that's, that's -- I'm not even going
21 to use the word adequate but it's an appropriate way to
22 encourage usage. But I do have anecdotal evidence to
23 suggest that it is not being used across the board and all
24 of the information in the system is not accurate and it's
25 not complete but I don't know to what extent.

1 Q Okay. I'm going to talk a little bit more about
2 that in a minute. Let's -- recommendation 15 also was
3 addressed at CFSIS, minimizing duplicate child records in
4 CFSIS. This is at page 28.

5 So what exactly was this recommendation?

6 A At the time of the 2006 audit there was quite a
7 lot of duplication and in the number if you were to be
8 looking for a particular, for example, a particular child,
9 there -- you, you would find more than one record on that,
10 on that child.

11 When we looked at it in 2012, we saw that there
12 was a much better system in terms of how that was being
13 minimized and, and the search was -- there were less
14 duplications in the system but there continued to be some
15 and so we did -- as we say, we, we thought that at one
16 level the, the recommendation that we had made had been
17 addressed but, at the same time, we would, we would expect
18 that the department and we would hope that the department
19 would periodically go through the system to make sure that
20 the duplications continued to be reduced and we understand
21 that there are complications around that and it's not so
22 easy to just remove it completely out of the system. But
23 the improvements were good, they could continue to focus on
24 making sure that as they enter each new record that there
25 is no possibility of an existing duplicate record.

1 Q So if we just scroll down a bit to see, under the
2 recommendation, the second last paragraph indicates that
3 you:

4

5 "... analyzed an extract of the
6 above noted data fields from CFSIS
7 and determined that some duplicate
8 records continue to exist."

9

10 And you indicate that you:

11

12 "... urge the department to
13 perform periodic analysis of CFSIS
14 information to eliminate duplicate
15 records in the system. We also
16 urge the Authorities to ensure
17 (that) all of their case workers
18 are properly using the search
19 function before creating a new
20 child record."

21

22 Now, did that last statement mean that your
23 office had concerns about whether case workers were
24 properly using the search function?

25 A More so that -- no. And we didn't do, we didn't

1 do an audit to make sure they were, so I can't answer that.

2 Q Okay.

3 A But the fact that there are still some duplicate
4 records in the system tells me that it's not a hundred
5 percent cleaned up.

6 Q Then recommendation 44, at page 42. This is
7 entitled replacing CFSIS.

8

9 "That the CFS Authorities
10 collaborate with the Department
11 ... on determining the future use
12 of Child and Family Services
13 Information System ... or the
14 potential for the development of a
15 new case management system."

16

17 Your 2006 audit conclusion had been that "CFSIS
18 was not accurate or complete." And the status as of May
19 2012 identifies "in progress."

20 So what, what did you find with respect to CFSIS
21 and the development of a new system?

22 A CFSIS is not a new system.

23 Q Okay.

24 A It's, it's an, it's an old system. And we did --
25 when we did the, the, the audit there was -- there's both

1 the -- is it being used as it's currently existing and are
2 there possibilities to move to something else? And we
3 didn't make a comment or a recommendation around which
4 direction we thought it should take but we said well, if
5 you're going to use the existing system then it should be
6 complete and accurate and you should apply it in such a way
7 and determine whether or not it can do that or move to
8 something else.

9 So when we went in to do the, to do the follow up
10 we had heard about a possible solution to it and there are
11 a number of what they refer to as common off the shelf
12 products that, that could be used to replace CFSIS but it
13 -- and it would take a fairly extensive analysis to
14 determine the solution to this so we did see that an
15 initial project had begun and that some analysis had taken
16 place and that there was a request for funds of Treasury
17 Board to proceed and the request was denied. That was in
18 2009 so a fair, a fairly -- a large amount of time had
19 passed since that decision had been made and the time we
20 were doing the follow up.

21 Q Right.

22 A So we really did not know where it was at in 2012
23 and we, we were not able to look at any documentation or
24 information on actions that had been taken but we were told
25 that alternatives were being considered. So unfortunately,

1 we aren't able to provide any details on what that is, and
2 whether it would be a replacement, a fix or saying that an
3 analysis of CFSIS says that it's sufficient as is, so we,
4 we really don't know where that is at.

5 And that, that is our expectation, that there
6 would be either a determination that CFSIS is fine the way
7 it is and therefore should be used or that CFSIS should be
8 modified, and what the costs are around that and
9 implications would be, or that it should be replaced by a
10 new product.

11 THE COMMISSIONER: And why is it you say you are
12 in a position where you can't comment on where it's at?

13 THE WITNESS: The, the last documentation we saw
14 was in 2009 and that was -- that proposal that went forward
15 was, was -- Treasury Board said no, they would not approve
16 it. And so since then we've seen nothing to describe where
17 it's at, other than the department has told us that there
18 are other solutions being considered but we don't know what
19 they are.

20 THE COMMISSIONER: Well, when you did your 2012
21 update, why wouldn't you inquire what they were?

22 THE WITNESS: We did and the answer we got was
23 we're, we're looking at other solutions but there was
24 nothing that we were given to describe those. The answer
25 -- we, we didn't see anything nor were we provided with

1 anything.

2 THE COMMISSIONER: Did you ask for anything?

3 THE WITNESS: Yes, we did. There was nothing to
4 give us.

5 THE COMMISSIONER: Okay. We'll follow that up.

6 THE WITNESS: Thank you.

7

8 BY MS. WALSH:

9 Q And just for the, the sake of the record, the,
10 the Ombudsman did two progress reports that we've put into
11 evidence following the report Strengthen the Commitment and
12 the second of those two reports, which is Commission
13 disclosure 208, at page 7341 -- and you don't have to bring
14 it up -- that was the '08, '09 progress report, did also
15 indicate that a formal process of selecting a new computer
16 system will be completed in '09, 2010.

17 So that sounds consistent with the information
18 that you were looking at but then you didn't find that -- a
19 new computer system had been selected, in fact?

20 A The, the last thing we saw in the timeline was
21 the Treasury Board minute that declined the funding.

22 Q And was that December of '09?

23 A The request was December of '09, I'm not sure if
24 that's the date that Treasury Board met.

25 Q Okay.

1 A But it was around then.

2 Q You deal, at page 29 of your report, with the
3 recommendations regarding the Chief Medical Examiner
4 reports.

5 THE COMMISSIONER: What, what page?

6 MS. WALSH: Page 29.

7 THE COMMISSIONER: Yes.

8

9 BY MS. WALSH:

10 Q And what was your recommendation aimed at?

11 A This was at, at the time of the 2006 audit that a
12 Chief Medical Examiner was responsible for following up the
13 child deaths --

14 Q Right.

15 A -- and the legislation changed significantly
16 after that and the Children's Advocate and the Ombudsman
17 responsibilities were introduced. So we, we -- the
18 original recommendation was, was not -- it was, it was
19 looking at the former process. So we just included a
20 description of the new one.

21 Q Was your concern, though, partly a process,
22 looking at, at whether recommendations following death
23 reviews were being implemented?

24 A And it was whether or not -- we, we stated the,
25 the facts, not that we -- we didn't form an opinion on

1 whether it was -- it should or should not have taken place
2 but that the QA review was not always being conducted. I'm
3 just, I'm just looking at the, the, the way we worded it in
4 here.

5 We would have expected the department to decide
6 in a very formal way and make an assessment of the
7 severities of the recommendations and whether or not a
8 systemic review was needed and at the time that was not
9 taking place but we did not re-audit the new system to, to
10 really look at whether or not that would be the parallel
11 requirement today.

12 Q Okay. So you, you didn't comment --

13 A But having said that, the -- sorry, I'm just --

14 Q Yeah, sorry.

15 A -- just the monitoring by the Ombudsman now would
16 replace what we would have expected to, to -- the
17 department to have been doing directly in the previous
18 system.

19 Q Okay, thank you. So your, your follow up didn't
20 comment on or look at whether agencies had, in fact,
21 responded to the recommendations made in death reviews?

22 A No, no.

23 Q Then at page 32 of the report you get into the
24 recommendations with respect to the funding model, pages 32
25 and 33, and of course that, that has undergone a

1 significant change since your first report.

2 So, maybe just if you can give us a brief
3 explanation as to what you did with the follow up process
4 because we will hear a fair bit of evidence about what the
5 new funding model is but from, from the perspective of the
6 follow up that you did what was the significance of the new
7 funding model and what you found?

8 A The -- there was two parts to our update, one
9 being the acknowledgement that the new funding model will
10 change the -- and the, the substance of the way the, the
11 funding is provided and the extent to which it's covered
12 federally versus provincially.

13 There were some more specific pieces to the child
14 maintenance part of the funding, that we continue to --
15 they're, they're in other recommendations. Fourteen is the
16 recommendation around specialized parent category, 22 is
17 assessing needs, 23 is the daily rate for child maintenance
18 and 24 is reviewing needs and in all four cases there --
19 those -- that element of funding remains in progress.

20 There's a child maintenance working group set up
21 and they are looking at all four of those so that is not
22 yet, but those elements have not been resolved.

23 Q Okay. Other than that, did you do any kind of
24 analysis of, of the new funding model?

25 A No, we didn't.

1 Q Recommendation 25 at page 38 entitled periodic
2 updating of child care plans. What was this recommendation
3 directed at?

4 A The -- we had -- when we had looked at the child
5 care plans we noted that they had not been updated each
6 year.

7 Q And what exactly is a child care plan?

8 A You're going to -- I can't answer that.

9 Q Okay.

10 A I can't give you enough information for it to be
11 meaningful.

12 Q Not, not a problem.

13 A Okay. I'm, I'm assuming that it's the, it's the,
14 the -- I mean, it's the -- what, what are the actions that
15 will take place and have -- and in a very specific way
16 who's, who's doing what.

17 Q I just wondered --

18 A But I --

19 Q -- whether you had a specific definition here but
20 that, that's fine. Thank you.

21 A We very well might in that original report and I
22 would have to dig through it to find it. The update on
23 this is that it remains in progress and this, again, was
24 the standards of 2001 so those were the ones we audited
25 when we did the original audit and, and now. They, they

1 are set but there is one about the frequency and this is
2 purely about how often and it, it just does not refer to
3 the updating of the care plan. It, it refers to how often
4 the, the cases should be reviewed.

5 I, I -- my understanding is it's the, it's the
6 plan at the very start of, of the, of the care so -- I'm
7 sorry, I'm --

8 Q So your concern was --

9 A -- I don't know enough about it to really --

10 Q But the concern itself that's identified is with
11 respect to --

12 A How often those plans should be updated.

13 Q Okay. And that was still in progress?

14 A That's correct.

15 Q Okay. Then the next page, "Supervisory reviews."

16

17 "That the Department ... assist
18 the ... Authorities in developing
19 a standard supervisory review
20 process and form."

21

22 So what was the -- in 2006 the audit conclusion
23 was, as we identified earlier this morning, that:

24

25 "Quarterly supervisory reviews

1 were not consistently documented
2 to evidence that they were
3 performed on all open child care
4 files."

5

6 And of the 120 sample files only 79 percent of them lacked
7 evidence that supervisory reviews were being done. You
8 identified that an alternative solution was implemented.
9 What was that?

10 A The, the, the only difference was that it --
11 rather than something that we would see in the standards
12 and having a form and a check list, it was -- rather, it
13 was introduced through the training and so what we were
14 looking for was there but it was just in a different place.
15 So after considering that we said that's sufficient but we
16 would still urge that it be introduced in something that's
17 -- you know, somebody who has either missed the training,
18 not yet had the training, or long ago had the training but
19 can go to some central place to find that same information
20 and that's the only distinction.

21 Q So you were urging that those -- that information
22 be put into the case management standards?

23 A Yes.

24 Q And then at page 46, you've got appendix "B"
25 which you've identified are all the recommendations you say

1 the department should follow up on with the authorities.
2 Anything that -- else that you want to comment on in terms
3 of the follow up report that was done?

4 THE COMMISSIONER: What was the last page you
5 went to?

6 MS. WALSH: Page 46.

7 THE COMMISSIONER: Forty-six. That's where the
8 -- relates to the authorities.

9 MS. WALSH: No?

10 THE WITNESS: No, I think that's covered just
11 about everything.

12

13 BY MS. WALSH:

14 Q So in terms of the follow up report identified
15 that there was still concerns about CFSIS and how it was
16 functioning and how it was being used. Is that fair to
17 say?

18 A Yes.

19 Q Based on your experience, are you able to comment
20 on how the child welfare system's ability to track
21 important information compares to that of other government
22 agencies or entities?

23 A My quick answer is no but if you give me a moment
24 to think I'm sure I could give you at least a little bit
25 of, of help with that.

1 Q In terms of the information technology, we do
2 know that CFSIS is not the only out of date information
3 technology product out there that's helping to support the
4 operations of government. And what I would, what I would
5 throw into that is we, we often will find some real tough
6 decisions being made across government, as to which ones
7 are going to receive the funding. So I understand that
8 CFSIS is not the only information technology product that's
9 competing for, if I will, precious public sector dollars.

10 I -- we have not done an audit of the, the extent
11 to which government thoroughly analyzes those, those
12 decisions, as to which one is going to get the funding. I
13 certainly have some difficulty, myself, and this is a
14 personal view, not based on that audit, I just want to
15 throw that out because I, because I do think it's an
16 important one because there could be a different point of
17 view from the department or the government but it -- I
18 cannot see how this cannot be considered an important
19 information system.

20 So I, I would say it needs attention and so we,
21 we still stand behind our recommendation that either CFSIS
22 be proven to be the right product or that there be another
23 one selected and that I, I also understand that the costs
24 attached to that have to be considered and have to be
25 managed.

1 MS. WALSH: Thank you. Those are my questions.

2 THE WITNESS: Thank you.

3 THE COMMISSIONER: Mr. McKinnon.

4 MR. MCKINNON: Thank you, Mr. Commissioner. For
5 the record, my name is Gordon McKinnon and I am the lawyer
6 for the department and Winnipeg CFS. Let me start out by
7 thanking you, Ms. Bellringer, for your evidence today and I
8 thank Sherri Walsh as, as well, I thought you made every
9 effort to be fair and balanced so I don't have a lot for
10 you in cross-examination.

11

12 CROSS-EXAMINATION BY MR. MCKINNON:

13 Q You've pointed out, in your evidence this
14 morning, that in 2006 you were not the only reviewer who
15 was making recommendations to CFS. There was, there was a
16 lot going on at that time, in 2006?

17 You're nodding in agreement. You're saying yes?

18 A That's correct, yes.

19 Q And we're going to hear evidence, we have heard
20 some evidence already and these reports have been tendered
21 but there were -- there was a Section 4 report done in
22 connection with the death of Phoenix Sinclair and there
23 were 33 recommendations made, also about the same time as
24 your report, arising out of that Section 4 review. You're
25 aware of that?

1 A Not, not the number specifically but yes.

2 Q You knew there was a lot?

3 A Yes.

4 Q And there were six recommendations that came out
5 of the CMU report?

6 A Again, not the number but yes.

7 Q There were 112 recommendations in the Ombudsman's
8 report?

9 A I knew there were a lot in that one, as well.

10 Q Okay. And there were 80 recommendations in the
11 report entitled Honouring Their Spirits which was -- had to
12 do with other child deaths. You were aware that that
13 report came out at about that same time?

14 A Yes.

15 Q And there was a report entitled Strengthening Our
16 Youth which had to do with youth aging out of care, there
17 were 45 recommendations in that report. And then the many
18 recommendations in your report, all coming into place in
19 about 2006.

20 A And again, I've now lost track of the names of
21 all the various reports but I am aware of the fact there
22 are many reports with many recommendations.

23 Q And, and that's, that's my only point. And, and
24 would you agree with the suggestion that it would be
25 Herculean task for any branch or division of government to

1 deal with all of that at once?

2 A I would actually go even further than that and
3 say we, we knew at the time of the audit that the, the
4 department was aware there were issues to be dealt with.
5 We were aware of that before the audit and we continue to
6 be aware of that and so I would -- you know, and I -- that
7 I will add they, they have a large task in addressing all
8 of that, in running the department and that would be the
9 case for every department of government.

10 Q Would you agree with me that in respect to this
11 department of government that there was an impressive
12 amount of energy and effort that went into addressing not
13 just your report and your recommendations but all the
14 others?

15 A I can't, I can't -- I, I don't want to not answer
16 the question. Did I see attention paid to ours? Yes, I
17 did. And I -- if, if that's in contrast to other
18 departments I have to say no, only because while I
19 appreciate that this department had a lot to, to, to
20 address and to, to face and to come up to -- with answers
21 for, that is quite common in almost every department of
22 government. But not minimizing it just, just -- I, I, I
23 would say it's not that much larger of a task than every
24 department has to face because there is some huge issues
25 out there.

1 Q Would you agree with me that you've seen real
2 improvement over the last six years?

3 A Yes, I would.

4 Q Would you agree with me that in your dealings
5 with senior administrators in the department, CFS I'm
6 talking about, that you received full cooperation?

7 A Okay, now I pause so that, of course, everybody
8 is looking at me, saying why is she pausing? Yes, we
9 absolutely never had any push back, we always had, we
10 always had cooperation. We worked -- I will characterize
11 it as we worked, we worked well together but I, I will say
12 that there were, there were times where I could sense the
13 exasperation with dealing with us and that there was one
14 public meeting when the deputy minister did suggest that in
15 coordinating all of the various reports that it not be done
16 through our office. So I, I don't know what the, what the,
17 the reason behind that was.

18 Q Okay. Is it your understanding, as it is mine,
19 that work continues on your recommendations, that is the
20 department continues, subsequent to September of 2012 when
21 you issued your updated report, is it your understanding
22 that the department is continuing to work on those
23 recommendations that are still in progress?

24 A Yes. And I also appreciate the, the coordination
25 that they have done amongst the various reports means that

1 some of the recommendations aren't being followed up in a,
2 in a linear fashion but rather they have been merged with
3 others and so that -- it makes it harder for us to know
4 whether or not it's specifically being followed up or not
5 but it doesn't mean there isn't attention being paid to it
6 and I'm, I'm confident that the attention is being paid.

7 Q And when you're talking about it not being
8 followed in a linear pattern, am I correct in, in
9 understanding what you're saying is that because there may
10 be overlap or, or, or duplication in some of the
11 recommendations arising out of your report and arising out
12 of other reports, that they have grouped them into themes
13 or categories and then they're addressing the theme?

14 A Correct.

15 Q That's what you're talking about?

16 A Yes, and --

17 Q So one of the themes --

18 A -- that's a good thing.

19 Q Yeah, that's a good thing. So one of the themes,
20 for example, may be training, so there may be, from the six
21 reports referred to in the order-in-council there may be
22 dozens of recommendations that relate in one way or another
23 to training so they put that all together and developed,
24 say a training initiative, that's the kind of thing you're
25 referring to?

1 A Yes.

2 Q Yes. Now, I understand from your evidence this
3 morning, that you're limited in your ability to talk about
4 information you have received subsequent to September of
5 2012 because you are only able to comment on things that
6 you've verified for yourself an issue to report upon.
7 Fair?

8 A I, I can't comment on a finding that we have that
9 we haven't reported publically on.

10 Q Okay. But you are aware that it -- and it's as,
11 as recently as this week, there was further communication
12 to your office from the department on the progress that
13 they have made on recommendations subsequent to September.
14 You haven't had a chance to review those and you haven't
15 had a chance to comment on those?

16 A It's correct that we haven't had a chance to
17 review our comment but, yes, we did receive correspondence.

18 Q In terms of your evidence on the computer
19 information system, again I thought you were very fair in
20 your description that CFSIS is not the only, I'll call it a
21 platform, it's not the only outdated platform in government
22 with respect to information systems. This is a problem
23 that is much broader than Child and Family Services.

24 A Is that a question?

25 Q Yes. Would you agree with that?

1 A In terms of the platform, that's, that's correct,
2 there are several that -- in government as a whole and I am
3 including Crown corporations in my, in my definition of
4 government, that it is not the only one.

5 Q And you made reference to there being some off
6 the, off the shelf solutions that are available and I just
7 want to make sure that that's not misunderstood by people
8 who are hearing your testimony today.

9 There may be off the self -- shelf solutions to
10 CFSIS but the -- choosing the correct one and implementing
11 the correct one, and developing the correct database and,
12 and making it operational would be a cost in the tens of
13 millions of dollars, would, would that sound about right to
14 you?

15 A That would sound low.

16 Q Okay. And, and, and I'm, I'm making that point
17 because a lot of us think of an off the self -- shelf
18 solution as something we can go to a store and buy, load it
19 onto our computer and everything is fixed. This would be a
20 major initiative of government to introduce a new operating
21 system to replace CFSIS?

22 A That's definitely the case.

23 Q And it's my information that, that, that an
24 information management system has been introduced recently
25 in another province, I don't know if you've heard about

1 this, in -- it made headlines across Canada, in connection
2 with child welfare --

3 A Um-hum.

4 Q -- and I'm going to understate it, there was some
5 unfortunate outcomes that came from introduction of a, of
6 an information system that was not fully carefully
7 developed and implemented. Are you aware of that?

8 A No, I don't know anything about -- I, I see the
9 news but I don't know anything about it.

10 THE COMMISSIONER: Ms. Walsh, do you have
11 something to say?

12 MS. WALSH: I'm just concerned that, that --
13 whether my friend is putting, trying to put something into
14 evidence that none of us have seen anything about.

15 MR. MCKINNON: I'm just asking her, she's
16 answered, she's not aware of it so I'll move on.

17

18 BY MR. MCKINNON:

19 Q Would you agree with me that if a new information
20 technology system is introduced and it's not properly
21 developed and well implemented it could have a -- it could
22 result in a crisis if it's done improperly.

23 A So I would, I would say absolutely every system
24 introduction has to be very carefully planned and very
25 carefully executed and I would expect nothing less in any

1 department or agency of government.

2 Q Right.

3 A Sorry, there's something around this, you, you
4 made think of the and now it's, it's escaping me, just give
5 me two -- you know, the, the one thing I will, I will throw
6 on the, the positive side that I think does have to be
7 considered is that the implement -- I have seen -- I have
8 been in the audit practice for over 30 years, I've seen
9 numerous examples of how an information technology solution
10 has been used as the launching pad for organizational
11 change and so I merely say it on the record as something
12 that on the positive side should always be considered and
13 that's not unique to this particular situation, it's just
14 something that is very true with -- information technology,
15 in and of itself, should not be considered in isolation of
16 the program needs and the, the solutions are rarely a
17 hundred percent off the shelf, and it's the, it's the way
18 that you decide are we going to change the system to fit
19 our current processes or are we going to change our
20 processes to fit what the system can do for us? And if you
21 really carefully plan that and manage it, it can do amazing
22 things.

23 Q And, and the final point on this topic is it's my
24 understanding that, again it's thinking back to your
25 comment about an off the shelf solution, it's my

1 understanding that even with that kind of off the shelf
2 solution, it would take many years of planning to actually
3 go from -- assuming the funding were committed tomorrow, we
4 would be looking at several years of planning and
5 development before it would be operational. Is -- would
6 that be your experience with that kind of an information
7 technology system?

8 A I would say several years sounds a lot longer
9 than it should be. There is one department of government,
10 we had been following up an implementation of a, of a
11 solution in a, in a -- for -- was an information technology
12 change and they were actually purchasing it from another
13 province, and it took over 10 years from the time that we
14 were looking at the, the system to the time it was
15 implemented and my assessment, in that case, was that was
16 far too long.

17 There were circumstances that, that contributed
18 to that, one being they wanted to see the testing from the
19 other, from the other province but I would suggest that it
20 can be done in a lot less than 10 years but it's, it's not
21 a, it's not a couple of months.

22 Q And it would be two or three years, would that be
23 fair?

24 A It depends on the system and it depends where
25 you're starting but it's definitely -- it would be a more

1 than one year project but I, I, I would suggest starting
2 out with an expectation that it's three years would, would
3 be -- you would be anticipating something longer than that
4 because you're, you're thinking too long term. It should
5 be shorter of a plan.

6 Q Okay. And in terms of the funding model, you
7 commented in your 2012 review that that was a positive
8 development, there was a fundamental change in the way in
9 which the department is funding authorities and the
10 authorities are funding agencies and, and, and you're
11 aware, in general terms of the creation and existence of a
12 new funding model?

13 A Yes. And, and personally only in general terms.

14 Q And, and you're aware that it's, it's a model
15 that also involves the federal government?

16 A Yes.

17 Q And, and I'm going to suggest to you, and you may
18 be able to agree with this in the sense that I'm going to
19 keep it at a very macro level, that it's unique to Canada,
20 that is, it's a unique situation because Manitoba is the
21 only province where, where aboriginal agencies are operated
22 both on and off reserve and that created a different
23 dynamic in terms of the way they had to be funded. Are you
24 able to comment on that?

25 A That's going way beyond my, my knowledge.

1 Q Okay. One of the positive developments, this --
2 and I'm going to suggest this to you, in the new funding
3 model, is that it reinforces the requirement to put
4 information on CFSIS. You've commented on that and, and
5 you understand how that works?

6 A That -- yes.

7 Q And, and so it's an example of again in terms of
8 the integration of systems, the funding model reinforcing
9 the practice model of posting information on CFSIS because
10 that's how the department tracks whether or not there is a
11 case that's open and eligible for funding. Is that your
12 understanding?

13 A Yes. And as a structure that makes sense.
14 Whether in practice it's working or not, we didn't look at
15 that.

16 MR. MCKINNON: Just looking at my notes, Mr.
17 Commissioner.

18 THE COMMISSIONER: Yes, take your time.

19

20 BY MR. MCKINNON:

21 Q And just back to page 10 of your follow up
22 report, Exhibit 43. You comment on how you've categorized
23 the recommendations into the four categories. I just want
24 to reinforce my understanding, that there were no
25 recommendations that fell into the category of do not

1 intend to implement?

2 A That's correct.

3 Q So the, the department did not reject any of your
4 recommendations and say we're not intending to do them,
5 that they have accepted them all. Is that your
6 understanding?

7 A That's my understanding and that's definitely the
8 conversation we've had and I, I most certainly wait for a
9 time to prove that once everything is implemented that
10 that's the case.

11 Q Okay. And in terms of the other ones, where
12 there was no progress, you never classified any of the
13 recommendations in that category either, they all had some
14 progress.

15 A Absolutely. We, we used to get into discussions
16 with departments as to the extent of progress and we got
17 into huge debates and that's not with respect to Child and
18 Family Services, just a general comment, and we've chosen
19 to say we're, we're satisfied that some progress is being
20 made when we have seen, indeed, we -- in this case for
21 everything where we said it was in progress, we saw some
22 indication that it was moving forward.

23 MR. MCKINNON: Thank you, those are my questions,
24 Mr. Commissioner.

25 THE COMMISSIONER: Thank you, Mr. McKinnon.

1 MS. BOWLEY: Good morning, Mr. Commissioner.

2 THE COMMISSIONER: Good morning.

3 MS. BOWLEY: It's Bernice Bowley for Diva Faria.

4 THE COMMISSIONER: Yes.

5 MS. BOWLEY: And I would like to get your
6 permission to ask this witness some questions.

7 THE COMMISSIONER: Permission granted.

8 MS. BOWLEY: Thank you.

9

10 CROSS-EXAMINATION BY MS. BOWLEY:

11 Q Hello, again, Ms. Bellringer. I heard you say,
12 in terms of your general mandate that, that you did your
13 review on the basis of the legislative focus, that is
14 whether the legislature is getting its goals accomplished;
15 is that right?

16 A Correct.

17 Q And in addition to that context, in your
18 experience would you agree that there are other benefits to
19 the entity and the people within that entity, for example
20 in having a vision or a mission statement disseminated
21 clearly?

22 A Yes. And that's, that's definitely a component
23 of our recommendation about needing a strategic plan.

24 Q Right. And would you agree that, that having the
25 strategic plan, for example, assist employees in that

1 entity, in knowing what their individual words should be
2 focused on, at least in part?

3 A So yes, and the, the only caveat I will attach to
4 that is a quality plan would do a much better job than just
5 the existence of a plan.

6 Q And within that quality plan would there be
7 things like performance measurements?

8 A It may not be in the strategic plan but it would
9 be in perhaps an annual plan, or an operating plan, or a
10 business plan attached to it, yes.

11 Q And you referred to performance measurements in a
12 couple of places in your December 2006 report. Can you
13 educate me a little bit as to what you meant by those? One
14 reference that I have is page 73.

15 A On, on performance measures we, we most often,
16 when we're doing our audits, are looking at public
17 performance measures and we're primarily looking at it from
18 the perspective of the legislature and how it will
19 determine whether or not a program is reaching its goals.

20 So really what it is, you'll often hear the term
21 KPI, key performance indicators, so that would be an
22 example of how are you measuring performance? Outputs is
23 telling you -- there's sort of three components to a
24 performance measurement, inputs, outputs and outcomes. So
25 the traditional reporting, not just in government,

1 everywhere, has been on inputs and outputs so I'm going to,
2 to have these many dollars in my program and these many
3 staff members and I'm going to go through these activities
4 and I'm going to have these outputs, I'm going to issue
5 these reports or I'm going to -- I'm just thinking of -- I
6 don't know, I can't think of a real life example to give
7 you, what an output is, but they're the things you do.

8 The outcomes are by doing those things what are
9 we accomplishing? So it, it is a little bit of a -- what
10 are the ends not what are the means. Does that explain it
11 enough to --

12 Q It does, thank you. And, and just on the point
13 of outputs, would, would tasks be included in an output?

14 A A task would be an output and an outcome would be
15 -- and some of the examples and the, the, the indicators
16 that we have in this report would be the, the number of
17 incidents that take place, would be if you want to see that
18 reduced then your outcome measure would be we want to go
19 from this many to that many.

20 Q Thank you. Are you familiar with the concept of
21 best practices?

22 A Yes. And we get -- and I have to say in a
23 philosophical way we often get into arguments over best
24 versus good enough, versus commonly held. I mean it, you
25 know, but certainly the term is used quite broadly.

1 Q Would you agree that best practices can mean the
2 use of evidence, research, measures and evaluation results
3 to progress practice forward in a positive way?

4 A And I would say that's the case in all program
5 areas to the extent it's possible, yes.

6 Q Do performance measurements assist employees or
7 practitioners in working towards best practices?

8 A Evidence suggests yes.

9 Q Would performance measurements include measuring
10 and evaluating the work done by employees in an entity?

11 A Yes. Most, most models flow all the way from
12 what are the organizational's goals all the way through to
13 what -- how does that translate into a goal for an
14 individual employee.

15 I will say practice, in general, and I'm going to
16 just talk about the provincial government for the moment,
17 is -- varies as to the extent to which that's done well.

18 Q I'm sorry?

19 A I don't -- we don't -- we haven't done an overall
20 audit of every department and organization in government
21 and how well they're doing that but I can suggest to you,
22 just from what we do look at, it's, it's not at one
23 particular level commonly throughout the entire system, it
24 varies. Some do it better than others and some do it more
25 thoroughly than others. Some have a more mature model than

1 others and it's -- the current practice is to move towards
2 a competency based model for measuring employee
3 performance, for both selection and then measurement and,
4 and the -- a well linking of that to your, to your
5 strategic plan is very complex and has to be done carefully
6 and it, it takes a lot of time. I think everybody is
7 aiming towards it but everybody is at a different stage.

8 Q And with respect to that uneven accomplishment if
9 I can call it that, you're speaking at the organizational
10 systemic level?

11 A Yes.

12 Q I'm correct that your December 2006 report found
13 that some legislated standards were not being followed
14 within the CFS department and agencies?

15 A As a general --

16 Q I'm thinking, for example, of the quarterly
17 reviews of open child in care cases and other examples.

18 A I don't believe that was legislated. I -- and I
19 -- there's, there's a -- when we say legislated we mean
20 it's in an Act not in a Regulation.

21 Q Okay, well --

22 A But --

23 Q -- that's fine. What about the one --

24 A So I would have to go back to it to know whether
25 it was in an Act or not.

1 Q Okay, I'm not going to ask you to delve through
2 the report and try and pick things out for me.

3 A Um-hum, um-hum.

4 Q Under your previous follow up structure, the
5 follow up was done three years after the initial audit; is
6 that right?

7 A That's right.

8 Q And when did the change come to be a one year
9 follow up period?

10 A I'd have to, I'd have to get back to you on that,
11 I believe we've now issued three but two, two on -- 2013
12 and 2012 so I -- we made the change in 2011 but I would
13 have to confirm that.

14 Q And I take it that -- let's use 2011 until we
15 hear differently. Prior to 2011, it was implicit in that
16 three year follow up period that the recommendations could
17 not be implemented immediately in most cases. Is that
18 right?

19 A Not necessarily. We sort of looked at it the
20 other way around and said how long do we think it should
21 take and we, generally speaking, considered three years to
22 be sufficient time. But it wasn't a, it wasn't a strict
23 rule, we knew that it could vary from that, both in terms
24 of being expected to be implemented immediately versus
25 other recommendations that would take much longer.

1 Q Right. You didn't expect that all
2 recommendations would be implemented overnight, basically?

3 A Yeah. So generally speaking we hoped and that's
4 why we chose that timeframe.

5 Q You hoped that they would be done within three
6 years?

7 A Within three years.

8 MS. BOWLEY: Thank you, those are my questions.

9 THE COMMISSIONER: Now, did you get -- is there
10 one answer still outstanding that you, you, you want or you
11 -- have you got what you want?

12 MS. BOWLEY: Well, I hate to trouble Ms.
13 Bellringer but if, and somehow through Commission counsel,
14 the, the time that the changeover to a one year follow up
15 period could be confirmed --

16 THE WITNESS: It's --

17 MS. BOWLEY: -- if it's something different than
18 2011.

19 THE WITNESS: -- it's very easy for us to check,
20 I just have to look back to the report in that year.

21 MS. BOWLEY: Okay, thank you.

22 THE COMMISSIONER: You could let Commission
23 counsel know that and then you can confer with Ms. Bowley
24 and, and decide how to put that in.

25 MS. BOWLEY: Thank you.

1 THE COMMISSIONER: Is that reasonable?

2 MS. WALSH: Yes, certainly.

3 THE COMMISSIONER: Okay. All right.

4 Anyone else wish -- Mr. Ray?

5

6 CROSS-EXAMINATION BY MR. RAY:

7 Q Good morning, Ms. Bellringer, my name is Trevor
8 Ray for the record and I represent the MGEU, the union for
9 a number of the social workers and I also represent a
10 number of the social workers.

11 And I just want to confirm, in conducting your
12 audit, and this isn't intended as a criticism but you did
13 not canvass the views of individual social workers or of
14 the union as to whether they agreed with the
15 recommendations or the status of the implementation of the
16 recommendations?

17 A In -- that's correct, we did not.

18 Q And, and you indicated in your evidence that you
19 did not do an analysis of the funding model that the
20 government has developed, a detailed analysis?

21 A No, we did not.

22 MR. RAY: Thank you, those are my only questions.
23 Thank you, Mr. Commissioner.

24 THE COMMISSIONER: Thank you, Mr. Ray. Mr.
25 Funke.

1 MR. FUNKE: Good afternoon, Mr. Commissioner.

2

3 CROSS-EXAMINATION BY MR. FUNKE:

4 Q For your benefit, Ms. Bellringer, my name is Jay
5 Funke, I'm here on behalf of the Assembly of Manitoba
6 Chiefs and the Southern Chiefs Organization. I have a
7 number of questions I'm going to ask you this afternoon.
8 I'm going to try to limit them to two subject areas,
9 primarily with respect to your -- the recommendations with
10 respect to funding and also with respect to some of the
11 comments that you have made relative to the CFSIS system.

12 Can everyone hear me okay, first of all?

13 UNIDENTIFIED PERSON: No.

14 MS. WALSH: No.

15 UNIDENTIFIED PERSON: No.

16 MR. FUNKE: Is that better?

17 UNIDENTIFIED PERSON: Yes.

18 MR. FUNKE: All right.

19

20 BY MR. FUNKE:

21 Q All right. Perhaps I'll just repeat that, for
22 everyone's benefit. The focus of my questions this
23 afternoon are primarily going to relay to the
24 recommendations that have been made with respect to funding
25 and also with respect to the comments that you made earlier

1 concerning the CFSIS system.

2 So the first thing I would like to do is turn to
3 your original 2006 report with respect to the findings that
4 were made. And I appreciate that you weren't the Auditor
5 General at the time that the inquiries were made but, as I
6 understand it, prior to the report being issued, you were
7 the Auditor General, you reviewed the recommendations and
8 endorsed them; is that correct?

9 A That's correct.

10 Q All right. So with respect to Commission
11 disclosure, I'm looking at page 690 or page 40 of the
12 original report and there are a number of observations and
13 recommendations that were made.

14 With respect to 4.1 the first observation that
15 was made was that: "Funding models were not adequately
16 documented." You've already gone over that this morning.

17 The observations in the report were that:

18

19 "There was a lack of support to
20 assess whether funding assumptions
21 were reasonable, and in certain
22 cases, whether funding
23 calculations, were valid."

24

25 The next observation at 4.2 was that:

1 "Funding models were not reviewed
2 and updated on a periodic basis -
3 CFS Division staff advised that
4 the calculation for each type of
5 mandated agency had not been
6 amended since it was originally
7 developed, approximately 15 years
8 ago."

9

10 And at 4.3 the finding was:

11

12 "There was inadequate
13 communication to mandated agencies
14 of how mandated agency funding was
15 determined - Four mandated
16 agencies reviewed indicated that
17 they did not know how their
18 funding was determined."

19

20 Well, the next page of the report, on page 691
21 there was a couple of further comments and observations
22 that were made and I'm looking at the third bullet point.

23 A Oh, sorry, can -- which page are you on?

24 Q 691 of Commission disclosure, page 41 of your
25 report. The third bullet point under observations. You

1 said:

2

3 "The Department's Policy and
4 Procedures Manual did not include
5 documentation of the methodology
6 for determining mandated agency
7 funding."

8

9 And the fourth bullet said:

10

11 "CFS Division staff could not
12 explain how the funding models
13 were developed, and how they
14 linked to service standard
15 expectations. Staff believed that
16 appropriate studies were conducted
17 to support the development of the
18 funding models approximately 15
19 years ago, but were unable to
20 locate the studies. As a result
21 we were unable to determine
22 whether these assumptions
23 continued to be valid, fair and
24 equitable."

25

1 Although you weren't the Auditor General at the
2 time that the report was prepared, I'm going to ask you
3 some questions about your understanding of how the current
4 funding model existed at the time of your 2006 report,
5 prior to devolution.

6 Now, do you appreciate that, at that time,
7 funding for agencies that were providing services both on
8 and off reserve were the result of a trilateral agreement
9 between the federal government, the provincial government
10 and the First Nations government for that community?

11 A Yes.

12 Q All right. And that that constituted what was
13 called the master agreement for that particular agency;
14 correct?

15 A Yes.

16 Q There was also what they called subsidiary
17 agreements that were signed between the agency and the
18 First Nation band, relative to the community that that
19 agency was mandated to service. You understood that?

20 A Yes.

21 Q There was also another subsidiary agreement
22 between the agency and the province. You understood --

23 A Yes.

24 Q -- that, as well?

25 A Yes.

1 Q And the reason that the trilateral agreement or
2 the master agreement was signed between the federal
3 government, the provincial government and the First Nations
4 community government was because of the federal
5 government's obligation to fund the First Nations community
6 not the agency directly; correct?

7 A You've going past my -- I'm not sure I want to
8 say, I, I know I -- I'm acknowledging what you're saying
9 but not knowing where you're going with it, I don't know if
10 I'm about to agree to something that I don't -- you know,
11 I'm already, I'm already getting to a point of being able
12 to explain where why -- where, where we're at is probably
13 different from what you're about to pursue so can I, can I
14 just nod?

15 Q Well, you can say whether or not you understand
16 that to be the case or not. If it's outside your, your
17 knowledge or experience then just advise us of that.

18 A A lot of what you are referring to I am, I am
19 aware of.

20 Q Okay.

21 A But it is in a context of just general
22 knowledge --

23 Q All right.

24 A -- and I -- and you know what I'm -- you're
25 starting to get into specifics, I'm not even sure if I know

1 that or not so I don't --

2 Q And that's --

3 A -- I don't know.

4 Q -- and that's fine.

5 A Yeah.

6 Q What I'm asking you is whether or not, during the
7 course of preparing this report, an examination of those
8 circumstances was undertaken. Did they examine the model
9 at the time.

10 A Okay.

11 Q That the province said that they couldn't provide
12 the statistics, provide you with this, this information and
13 I'm asking whether or not your office, at the time that it
14 undertook this review --

15 A Yeah, okay.

16 Q -- examined the current funding model that was
17 under review at the time.

18 A And I don't know the answer to that.

19 Q Okay.

20 A And the -- even if I did, if it's not included in
21 the report I can't speak to it. I, I will say what when we
22 did, when we did the audit and when we do our audits we are
23 looking at it purely from the provincial perspective and
24 it's not always easy to separate out all of the various
25 parties that have to work in collaboration.

1 But it -- if there's a specific reference within
2 the document, if you could point me to it, because I --
3 there may be something in there that I am not, I am not
4 remembering.

5 Q Well, perhaps I'll help. What I'm driving at is
6 that in terms of the recommendations that were made, that
7 appear at page 725 of Commission counsel disclosure, page
8 75 of your report, one of the recommendations that you made
9 under Section 4.1 -- give you a moment to find it -- was:

10

11 "That the Department (CFS
12 Division), in collaboration with
13 the CFS Authorities, determine and
14 assess the rationale and logic for
15 the existing funding models'
16 assumptions, base amounts and
17 calculations, as well as assess
18 whether the models provide fair
19 and equitable funding to the
20 mandated agencies for child
21 maintenance and services to
22 families. If it is determined
23 that fair and equitable funding is
24 not being provided, that an
25 alternative funding model be

1 developed."

2

3 Now, your recommendation there was that the
4 authorities and the department embarked upon that analysis.
5 You did not include the agencies and you did not include
6 the First Nations, governments for each individual band and
7 reserve. And that's why I'm asking --

8 A Okay.

9 Q -- about your understanding about the funding
10 model that existed at the time because the funding model
11 that existed was a trilateral agreement between the First
12 Nations band, the province, and the federal government and
13 what I'm asking is whether or not you were aware of that
14 when you endorsed the recommendations that were sent to the
15 province in this report.

16 A And whether, whether or not -- the extent to
17 which that was considered when the audit was done, I, I
18 can't answer but we most certainly would be -- if there
19 were any arrangements that were in place between the
20 Government of Manitoba and anybody else, we would most
21 certainly expect that that kind of conversation and
22 discussion would take place by them and we cannot direct a
23 recommendation to anyone outside of the province, itself,
24 and its agencies, so our recommendation to the department
25 and the authorities is very specifically designed around

1 the only things that we can -- the only ones that we can
2 communicate with.

3 So even if we believe there was a component that,
4 that it required that, it's unlikely we would have put it
5 in the, the document, itself.

6 We do expect external consultation on basically
7 everything we look at and whether it's external
8 consultation or if it's a collaboration that's a
9 partnership closer to that end of the spectrum we, we
10 rarely, in our reports, articulate that and so it was not
11 intended as an omission but rather it's just -- we, we
12 rarely do frame them that way.

13 Q But, in fairness, you did recommend that the
14 province and the authorities, in the very next
15 recommendation, the second bullet point under Section 4.1,
16 you did recommend:

17

18 "... the Department (CFS Division)
19 explore entering into discussions
20 with the federal government to
21 obtain required information on
22 federal children in care to enable
23 a comparison of funding levels for
24 federal and provincial children in
25 care. If federal funding is

1 significantly below provincial
2 funding levels that the province
3 determine the impact on the CFS
4 Authority and mandated agency's
5 ability to meet provincial
6 standards of care for federal
7 children and take appropriate
8 action."

9

10 So you have broached that subject.

11 A Point taken.

12 Q You are specifically saying to the province enter
13 into those discussions with the federal government,
14 specifically with respect to those federal children or
15 those children who are federal responsibility.

16 A Yes, what you said is correct.

17 Q All right. So I don't want to get too far ahead
18 of myself, it -- because we, we touched on that topic now
19 might be an appropriate time to discuss it. Are, are you
20 aware of the mechanism that the province and the federal
21 government used to distinguish between children that are
22 provincially -- the responsibility of the provincial
23 government and those children in the system that are the
24 responsibility of the federal government?

25 A And the -- my direct answer is no, I'm not, I'm

1 not that familiar with it, no.

2 Q And that's certainly not something that's
3 contained in your report?

4 A Correct.

5 Q All right. So to the extent that that discussion
6 includes, by virtue of the trilateral agreement of the
7 First Nations government, had you been aware of that at the
8 time, would you have made the recommendation that they
9 include First Nations leadership with respect to those
10 discussions in developing that new funding model?

11 A With -- one of the things I never do is speculate
12 but I would suggest to the -- to you that yes, I would.

13 Q Okay.

14 A Partly because we did -- I, I do know, through
15 the documentation that's included in the original report
16 and from our office, that they did have consultations with
17 First Nations. The extent to which that was used
18 throughout the audit, I just don't have the information, I
19 don't know.

20 Q Sure.

21 A But it was not done in isolation.

22 Q Now, you're talking about the 2006 --

23 A 2006 report.

24 Q -- report. All right. Now, in the 2006 report,
25 at page 735 -- I apologize I don't have the, the hard copy

1 in front of me, I can't tell you what page that is with
2 respect to the original copy.

3 It's look like page --

4 THE CLERK: Page 85.

5

6 BY MR. FUNKE:

7 Q -- 85 of your report.

8 THE COMMISSIONER: Eighty-five?

9 MR. FUNKE: Yes. If -- Madam Clerk, if you could
10 scroll down to number five.

11

12 BY MR. FUNKE:

13 Q That's part of your 2006 report. I believe this
14 is part of the province's response. They indicate that:

15

16 "The Department has already
17 initiated a review of the child
18 and family services funding model
19 in collaboration with the four
20 Authorities. This began early
21 after the initial transfer of work
22 under the AJI-CWI. A small group
23 comprised of representatives from
24 the Department and the Authorities
25 has developed options for a new

1 and rational approach to funding.
2 This is currently under
3 consideration by the Department
4 and will likely be phased-in over
5 the next two fiscal years."

6

7 Is that the passage that you're referring to when
8 you say there was an opportunity for consultation?

9 A No, no, that was -- that's -- what you are
10 referring to is in the departmental response --

11 Q Yes.

12 A -- and what I was referring to is probably in our
13 background and in the, in the scope on -- it's the -- it's
14 page 10 of the document. I don't know if you can read ...

15 So in -- not objective, in the second part of
16 that page, on -- under scope. We mention "numerous
17 interviews and reviewed documentation and information". We
18 don't specify it but we do, in general terms mention that
19 included meetings with and we have a series of, of groups
20 named, "Chief Executive Officers, Chief Financial Officers
21 and Chairpersons of the CFS Authorities; and certain First
22 Nation Grand Chiefs." That's what I was referring to.

23 Q This is with respect to your?

24 A With respect to our work?

25 Q That's correct. But in terms of -- and I

1 apologize, perhaps I wasn't clear in my question, the
2 province's response indicates that in terms of developing
3 the new funding law, the people who were involved were just
4 the authorities and the, and the province. You're not
5 suggesting that you have any information that would
6 indicate that First Nations leadership, whether at the band
7 or whether at the provincial level, had any involvement in
8 the development of that funding model?

9 A And I, I wasn't making any reference to it all
10 and we actually, in terms of how we look at the response
11 from the department, unless it's something we're aware is
12 completely inappropriate or untrue we, we don't verify it
13 and we included in the report.

14 Q Sure.

15 A So we haven't done any work done on, on the back
16 -- what's behind any of the comments that they have made.

17 Q In fact, if I understood your evidence earlier
18 this morning correctly, you indicated that with respect to
19 your 2012 report, the new funding model was not examined in
20 detail by your office; is that correct?

21 A That's correct.

22 Q So you were relying on documentation provided to
23 you by the province?

24 A That's correct.

25 Q And so it was a documentary review, not an

1 in-depth review?

2 A No, we were -- we, we merely made reference to
3 the fact that the funding model had changed --

4 Q And that's all.

5 A -- we did not re-audit it and we didn't review
6 the detail.

7 Q Okay. Now, it does say -- and I'm referring now
8 to the 2012 report. Page 33 of the 2012 report, Madam
9 Clerk.

10 That's fine. The bottom of the screen it says
11 that:

12

13 The model specifies how federal
14 and provincial funding for agency
15 operations is calculated. In
16 March/April of 2011 Canada and
17 Manitoba governments signed a
18 memorandum of understanding,
19 integration of funding for First
20 Nations Child and Family Service
21 agencies in Manitoba.

22

23 You understand, as well, that that memorandum of
24 understanding also did not include the involvement of First
25 Nations agencies, First Nations government, either at the

1 community level or provincial level; is that correct?

2 A Just a moment.

3 And yes, I -- that is correct.

4 Q Okay. So, in essence, what we have under the new
5 funding model -- and if you can't speak to this just, just
6 indicate as much. But what we have is essentially a move
7 from what used to be a trilateral funding agreement between
8 the province, the federal government and the individual
9 First Nations. Now a bilateral agreement between the
10 province and the federal government with respect to the new
11 funding model. Is that correct?

12 A I'm, I'm taking the facts you presented and, and
13 agreeing that that's correct but by saying so I'm not
14 adding anything to it because I -- we didn't look at it, we
15 make no comment as to whether or not that's appropriate or
16 inappropriate and so, you know, I'm appreciating that by
17 saying yes, that's correct, that may be read as more than
18 that but other than I'm, I'm seeing the front page of that
19 particular agreement and saying the signature is to it.

20 Q And again, I'm not asking you to agree to things
21 that are outside the scope of your knowledge or experience,
22 I am certainly not trying to put evidence in your mouth, so
23 if I'm suggesting something to you that you're not
24 comfortable agreeing with, please just indicate as such.

25 A Yeah, I am. Thank you.

1 Q Thank you. Now, the next question I'm going to
2 ask is again something that may be outside your knowledge,
3 if it is please indicate. With the new funding model gave
4 rise to the new business plans that have been used to
5 provide that funding to the agencies. Are you familiar
6 with those?

7 A I, I don't know that there -- I mean, there's,
8 there's probably a different terminology used for it but
9 I'm aware that there are new agreements, yes.

10 Q Certainly. Agreements between the province and
11 the authorities and agreements between the authorities and
12 the agencies; is that correct?

13 A Yes, but I'm -- there's something specific to
14 that but I just -- I want to see if we had it in the
15 report.

16 I have a feeling that was not part of the service
17 purchase agreement, it's a separate agreement, and I'm not
18 -- there, there should be something, in writing, in a
19 formal way between the, the department and the authorities,
20 and the authorities and the agencies, I'm just not sure
21 what form that takes without checking the detail.

22 Q Well, and the next question I was going to have
23 you then -- perhaps it's inappropriate because I was going
24 to ask you if you were aware of how those agreements were
25 arrived at. But that, I would suspect --

1 A No, I'm not --

2 Q -- is outside your knowledge?

3 A That's correct.

4 Q So I won't ask you about that then. You did
5 indicate earlier in your testimony that the province, in
6 providing you with the updated model that's contained in
7 your 2012 review, indicated that the contributions towards
8 agency funding is now divided on a 60 percent, 40 percent
9 split. Is that correct?

10 A That's correct.

11 Q And that reflected the -- an analysis that
12 demonstrated that 60 percent of the children in care were a
13 provincial responsibility and 40 percent of the children in
14 care with First Nations agencies fell under federal
15 responsibility. Is that correct?

16 A Yes.

17 Q And that that funding split was fixed for the
18 next five years as a result of the agreement between the
19 province and the federal government?

20 A Yes.

21 Q And if I understood your testimony correctly, you
22 indicated that that, that division between the children who
23 fall under provincial responsibility and the children who
24 fall under the federal responsibility was arrived at by a
25 statistical analysis using the data obtained from the CFSIS

1 system. Is that correct?

2 A Oh, I don't know that. I'm -- that -- the, the
3 link to CFSIS was in a different context. The -- and the
4 60/40, we never did a verification of that, that's what we
5 were --

6 Q Okay.

7 A -- informed was the basis of the agreement. The
8 CFSIS was you are today asking for -- you have five new
9 children in, in care that you didn't have last month, we
10 want to know, well, show us that you have five new children
11 in care, that information would be derived from the CFSIS
12 system. It's at a much more detailed level, not at the --
13 now, it may very well have been the case but I don't know
14 that.

15 Q And fair enough.

16 A Um-hum.

17 Q So what, what you're saying then is that your
18 office simply relied upon the data that was provided to it
19 by the province, that this was the division?

20 A That's correct, yeah.

21 Q And didn't look behind that?

22 A No, we did not.

23 Q If that data was derived from the CFSIS system,
24 given the concerns that you have raised in your report
25 about the failure, in some cases, for some agencies to

1 fully implement CFSIS, and the other irregularities that
2 you found in terms of updating and the use of CFSIS, would
3 you have any concerns about the province or the federal
4 government relying upon the data in CFSIS to arrive at a
5 fee split agreement or a funding split agreement between
6 the province and the federal government?

7 A So I'm, I'm uncomfortable answering that unless
8 it was shown to be the case that CFSIS was the source of
9 that discussion and I don't know that that's the case.

10 MR. FUNKE: All right. Fair enough. Thank you
11 very much.

12 THE WITNESS: Okay.

13 MR. FUNKE: Those are my questions. Thank you,
14 Mr. Commissioner.

15 THE COMMISSIONER: Thank you, Mr. Funke.

16 Anyone else? It would appear not. Oh, yes.

17 Any re-examination, Ms. Walsh?

18 MS. WALSH: I have one quick question, however,
19 you will recall last week, Mr. Commissioner, you received
20 two applications for intervenor and --

21 THE COMMISSIONER: Yes.

22 MS. WALSH: -- party -- and/or party standing in
23 the case of one of them. And it was left with the
24 Aboriginal Council of Winnipeg obtained intervenor standing
25 for phase three and Ka Ni Kanichihk obtained -- or you

1 granted them intervenor standing for phases two and three.

2 Intervenors, according to our rules, do not have
3 the authority to ask questions of witnesses and we've just
4 received a somewhat lengthy request for a question, which
5 is fine, we've indicated that throughout, from day one, if,
6 if someone wants Commission counsel to ask a question they
7 can show it to us and if we think it's relevant we'll ask
8 it, and -- but this is a rather lengthy question and I
9 don't want to hold up the process and I wonder simply
10 whether Ms. Dunn, on behalf of Ka Ni Kanichihk, wants to
11 simply seek standing from you to ask this question herself
12 on this particular occasion.

13 THE COMMISSIONER: Well, the, the standing with
14 respect to Ms. Dunn's client was left undetermined, wasn't
15 it?

16 MS. WALSH: It was somewhat. I think it was, it
17 was left as sort of a default that you were prepared to
18 grant her client intervenor standing --

19 THE COMMISSIONER: Yes.

20 MS. WALSH: -- but beyond that she would have to
21 discuss it with our office and I know that she has been
22 reviewing the matter but she's had a lot of information to
23 consider in order to determine whether she still wants to
24 have, in fact, party standing for this phase and I just
25 think that the most practical solution, at this point,

1 given that she does have a question that she thinks should
2 be asked, would be for her, if she, if she wants to ask the
3 question, to, to seek leave to do that right now.

4 THE COMMISSIONER: Come forward, Ms. Dunn.

5 MS. WALSH: I can't, I can't read your
6 handwriting so ...

7 THE COMMISSIONER: And, and the, the --

8 MS. WALSH: It's very practical.

9 THE COMMISSIONER: -- this question is on behalf
10 of your -- I know your clients.

11 MS. DUNN: Yes. For the monitor, Mr.
12 Commissioner, it's Catherine Dunn for Ka Ni Kanichihk. It
13 is actually -- and I apologize to my learned friend, I've
14 just handed her a basically scrawled number of questions
15 which I probably can't read, let alone her, in terms of
16 directing some questions to this witness. There is about
17 seven questions in relation to the funding model issue.

18 THE COMMISSIONER: Well, go ahead and put them.

19 MS. DUNN: Okay. And I'll, I'll try and be very
20 brief.

21

22 CROSS-EXAMINATION BY MS. DUNN:

23 Q Ms. Bellringer, your department did not, as I
24 understand your testimony, have mandated access to external
25 documentation with respect to the current funding model

1 that's in place, the 60/40. That is, specifically the only
2 information that you had the ability to obtain would have
3 been from the province as opposed to First Nations
4 authorities. This is in terms of financial documentation
5 or other documentation that you would require in order to
6 come to the recommendations in your review. Your, your --

7 A If I could -- I just -- I would like just to make
8 the distinction between what we have access to and what we
9 did at the time of the review.

10 Q Okay.

11 A We did not access those documents when we did the
12 review.

13 Q Okay.

14 A Whether or not we had legal access or not, it
15 would be a complicated determination and I suspect not, but
16 I -- you know, I really -- but we didn't even go down that
17 road.

18 Q Okay, so you --

19 A But we weren't considering it and then chose not
20 to, we just didn't -- this, as I mentioned at the very
21 beginning, we didn't do a full audit, we just did some --

22 Q Yes.

23 A -- preliminary work to -- and, and that we did
24 not look at.

25 Q So, therefore, in determining whether or not the

1 funding model of 60/40 is correct, you did not look at
2 other information, other than what was coming to you from
3 the province?

4 A Correct.

5 Q Okay. You also did not consider or did you
6 consider funding arrangements perhaps with other related
7 departments and, for example, we've heard well, certainly
8 from Dr. Wright, that in her approach to child welfare
9 sometimes money flowing from other departments like the
10 police department or WHRA (sic), it's all sort of connected
11 to child welfare issues and certainly you wouldn't -- or
12 did you look at other funding models for specific
13 departments in considering the 60/40 model that was used in
14 your review?

15 A So no, we didn't.

16 Q Okay.

17 A Nor was the original audit designed around
18 determining whether the model was appropriate or not but
19 rather was it -- could it, could it be explained by
20 existing documentation? It was limited to that.

21 Q Okay. So, therefore, when you say in your review
22 or even in your original audit, that the funding model is
23 "X" or the funding model is now changed to "Y", that is in
24 isolation to any other funding models to related
25 departments?

1 A That's correct.

2 Q Okay. As an auditor, is that problematic for
3 you?

4 A Only if our audit was designed around looking at
5 the funding model and the -- it gets into the way we define
6 our objectives.

7 Q I, I --

8 A Could we have chosen to look at the adequacy of
9 the model or whether or not it was fair, we, we did not do
10 that --

11 Q Yeah.

12 A -- we --

13 Q I, I don't want to get into that, I just want to
14 know --

15 A So, so, no, it's not problematic for me.

16 Q Yeah. Is it relevant to know what other
17 departments are getting, in terms of their departments, in
18 dealing with child welfare? And I'll give you a specific
19 example.

20 In Housing, that's one of the identified problems
21 with families who have interventions with CFS. So if you
22 knew that -- and I'll just a -- that Housing was getting a
23 hundred dollars to deal with that issue, would that not
24 affect your view of -- or impact in some way on whether or
25 not the funding model is correct or not correct? So,

1 specifically, do you not have to look across departmentally
2 to figure out what child welfare should be getting?

3 A So we weren't, we weren't doing an audit of
4 whether or not the funding model was correct or incorrect.

5 Q Okay. That's not the question I'm asking you,
6 though.

7 A Okay.

8 Q I'm asking you if that would be helpful.

9 A So, again, it's going outside of the audit and I
10 could give you my view of it.

11 Q Okay. Fair enough.

12 A I think it -- all information is helpful.

13 Q All right.

14 A And it's, it's in the same category so I'm --
15 think it's helpful but that's just my own personal view.

16 Q Okay. I guess what I'm asking you is without
17 that information is your review something that the
18 Commissioner can rely on as being accurate, in your view?

19 A If the Commissioner is relying on it to say that
20 the funding model is correct --

21 Q Yes.

22 A -- then don't rely on my report to say that the
23 funding model is correct because we didn't do an audit of
24 that.

25 Q Okay. And just one other question dealt with the

1 expiration of the service purchase agreements. You said
2 that two of the four -- well, actually all four of them
3 were expired and two of them were amended to -- I forget
4 what the word was used to describe it.

5 A There was an extension, I believe it was.

6 Q Extension. Does -- is that not a significant
7 lapse in terms of the department? Isn't that how they get
8 their funding; isn't that how they get their mandate; isn't
9 that their responsibility to government?

10 A Yes, they must be kept up-to-date --

11 Q Okay.

12 A -- and they were, they were not, they were not
13 out of date by a -- excuse me, a significant amount of
14 time. At the time of the original report there, there was
15 a number of, of SPs were not in place at all. So we saw
16 that as significant progress but --

17 Q Um-hum.

18 A -- it is correct to say that they should be kept
19 up-to-date and when they're not, that is a problem.

20 Q But from an Auditor General point of view, if
21 they are expired what does that mean in terms of your
22 ability to move forward?

23 A Just -- can you -- do you, do you have the page
24 in front of you, I just --

25 MR. MCKINNON: Mr. Commissioner, I am rising to

1 object to this question. I don't know how this line of
2 questioning has any bearing on the potential interest of
3 this party, whether they had standing or whether they had
4 -- whether they're intervenors in terms of relationships
5 between authorities and the department and whether
6 agreements were in place. I just don't see the relevance
7 to this lawyer's client.

8 THE COMMISSIONER: Commission counsel got a
9 position to take?

10 MS. WALSH: Just simply, Mr. Commissioner, that
11 throughout the last 55, 56 days, there has been a fair bit
12 of leeway I have noticed, given to various counsel with
13 respect to cross-examination in terms of whether their
14 questions truly represented the interests of their client.
15 My learned friend is absolutely correct that our rules say
16 that cross-examination is allowed to be extended for a
17 party's interest but we have not been terribly rigorous, if
18 you like, or strict in enforcing that and that's probably
19 because this is a commission of inquiry so that's, that's
20 my only comment.

21 MS. DUNN: And I guess my response to that query
22 by my, my learned friend is that when we initially made the
23 application to the Commission we were asking for standing,
24 that is the organization was asking for standing at phase
25 two and phase three on behalf of best interests of

1 aboriginal children. That was part of our role. I realize
2 we have a witness role in phase three and in terms of
3 community-based organizations and where they go from here.
4 Our argument to becoming involved at this phase was that
5 perhaps, because we were not direct -- am I --

6 MS. WALSH: No, go ahead.

7 MS. DUNN: Because we were not directly involved
8 in the, in the provision of child welfare services through
9 the organization that we could perhaps be, if for no other
10 reason that there's really no other community-based
11 organization involved at this -- well, involved in this
12 matter that we could be perhaps viewed as somewhat more
13 objective in terms of what is available for aboriginal
14 children or is not because we -- and that, that was set out
15 in our original letter.

16 So that's why I'm asking these questions but if
17 they are not -- you know, I never really had this
18 discussion on the record so that's why I'm asking the
19 questions and when my learned friend says it's not related
20 to our client, in fact, we take objection to that, it is
21 because one of the reasons that we are involved, the, the
22 organization is involved, is to address questions such as
23 the ones that I pose, relevant or irrelevant, it is up to
24 the Commissioner.

25 MS. WALSH: Well, Mr. Commissioner, that is the

1 case, is that if -- that in granting standing, whether it's
2 intervenor standing or party standing to the client that
3 Ms. Dunn represents, it's, it's not in the capacity as --
4 of a witness, it's to the entity Ka Ni Kanichihk and the
5 application before you was -- did identify that that
6 organization, its unique perspective and reason for
7 application was that it represented the interests of
8 children. So, when, when my friend stands up and says
9 well, how does this represent the client's interests, I
10 don't think it -- we've ever cross-examined anyone or gone
11 too closely into well, what exactly are your client's
12 interests in asking a specific question so -- but that is
13 the distinction, that it's not because there is a witness
14 who works with this client, who is called in phase three.

15 THE COMMISSIONER: Well, as I understand it, when
16 we left it you and Ms. Dunn were to work out the standing
17 issue and at this point it's, it's intervenor status, is it
18 not?

19 MS. WALSH: It is, that's right.

20 THE COMMISSIONER: Yes.

21 MS. WALSH: And that's why Ms. Dunn had to --
22 that's why I suggested that she seek leave to ask the
23 question. But, but the standing, even as an intervenor, is
24 on behalf of an organization who identified that it
25 represented the interests of children.

1 THE COMMISSIONER: Yes.

2 MS. DUNN: Aboriginal.

3 MS. WALSH: Aboriginal children.

4 MS. DUNN: Aboriginal.

5 THE COMMISSIONER: All right, I'll allow the
6 question to be answered.

7 MS. DUNN: Okay.

8

9 CROSS-EXAMINATION CONTINUED BY MS. DUNN:

10 Q So, Ms. Bellringer, just my last question to you,
11 to repeat, was is it not -- the fact that these service
12 purchase -- and for the record, my understanding of a
13 service purchase agreement is the legal document by which
14 Child and Family Services is able to provide service
15 delivery to children in Manitoba; correct? That is the,
16 that is the vehicle by which they provide service delivery?

17 A Partially. What, what we referred to -- and it's
18 on page 19 of the report.

19 Q Yeah.

20 A We had the details around the --

21 THE COMMISSIONER: Is that your current -- the
22 new report?

23 THE WITNESS: Of the follow up report.

24 THE COMMISSIONER: Yes.

25 THE WITNESS: The, the newer report, yes.

1 We had the details of the, the agreements in
2 place and they, they were actually referred to as -- well,
3 they were, they were CFS authority agreements, they were
4 with the authorities. These aren't the agreements between
5 the authorities and the agencies, these are the, these are
6 the agreements between the department and the authorities.

7

8 BY MS. DUNN:

9 Q No, I understand. But they're expired is my
10 question.

11 A And yes, yes, I understand. I, I -- sorry, I'm
12 just doing a bit of background in there.

13 Q Sure.

14 A I, I would suggest that the legal authority flows
15 through the Act, not through the agreements, the agreement
16 would be something that is much more specific in terms of
17 expectation. It is -- if, if there was no agreement in
18 place the Act would still be there. So I'm not -- I -- we
19 did not report this in the context of a legal discussion so
20 I'm not answering that, I'm just --

21 Q Yeah.

22 A -- suggesting that one would maybe have to go
23 there if you want to get into the legal aspects of it.

24 Q I don't want --

25 A We think good practice would be that there be a

1 current agreement in place, it would be the best way to
2 make sure that everybody understands what's going on. We
3 did make -- we did call this implemented and the reason for
4 our, our decision to do that was we had considered it to be
5 significant progress from the 2006 report, the agreements
6 had been negotiated and had been put in place and there was
7 progress being made towards negotiating the new agreements
8 to include the changes from the new funding model and we
9 were not uncomfortable that that would take place but
10 the -- so I can't say that I would consider it a
11 significant -- I forget the term you used but it didn't, it
12 didn't characterize what I considered it to be but we did
13 lay the facts out, and there is still a need to make sure
14 that those -- that the extensions be replaced with or that
15 the expirations, rather, be replaced with a current
16 agreement and we most certainly would expect that to take
17 place.

18 Q When would you expect that to take place?

19 A I don't, I don't have a specific date for you
20 but --

21 Q Well, I guess my, my --

22 A -- I would expect that it's done now but I don't
23 know if it --

24 Q You --

25 A -- is or not.

1 Q -- you haven't followed up as to what -- your,
2 your report was made available in September 2012 --

3 A Um-hum.

4 Q -- and it's now approaching May of 2013.

5 A Correct.

6 Q Your department has no idea whether these service
7 agreements are in place, or on their way to being in place
8 or not; correct?

9 A That's correct. We do it once a year.

10 Q Okay. And is that not the means by which the
11 province disperses money to Child and Family Services is
12 through these agreements? There is no other vehicle to
13 give them money except through a signed agreement.

14 A I'm sorry, I don't know what you're asking me
15 though.

16 Q Okay. I'm asking you whether a -- well, my
17 understanding of a service -- of a contract service
18 agreement is that that is the document by which the
19 government tells us this particular department you have
20 \$100,000 to spend in this fiscal year and this is what we
21 expect to be done with that money. Is that correct?

22 A That's correct.

23 Q Okay. If that agreement is expired for any
24 reason, then the government does not have the ability to go
25 back to that organization and say well, if you didn't use

1 that money or if you didn't spend that money you're in
2 trouble because that agreement has expired?

3 A Absolutely, which is why we think it's important
4 for it to be current and in place.

5 Q Okay. So, when you say that there is an
6 extension clause in force with respect to two of the
7 authorities, had they expired before that extension clause
8 came into force, or do you know?

9 A The expiration dates are there. I, I don't have
10 the agreements in front of me and I would have to go back
11 in the files to look at the actual --

12 Q Okay, I --

13 A -- agreements but it does note the expiration
14 date but if there is an extension clause then it's --

15 Q Yeah.

16 A -- in effect current.

17 Q Okay. But as the Auditor General that's a
18 significant lapse, I'm suggesting to you. That is number
19 one on the day of business is that we have to have a legal
20 document by which we can operate and that's not done in
21 this case and that is a significant lapse.

22 A We differ in our opinion.

23 Q How is it not a significant lapse?

24 A Well, I'm not saying it's insignificant, I'm
25 just, I'm just -- when we wrote this report we did not use

1 the word significant.

2 Q But it is significant.

3 A Well, if, if I agree with you that it's
4 significant, does it change the conversation? Like I'm
5 just -- the fact is what the fact is. I'm happy to say
6 it's significant if it --

7 THE COMMISSIONER: Well, you shouldn't be saying
8 that unless you believe it to be so.

9 THE WITNESS: I believe significance is a, is a
10 term that needs to be used in a context and in the context
11 of the report that we wrote we did not consider it to be
12 significant or we would not have considered it implemented.

13 Do I believe it's significant to have an
14 agreement and that it be current? Absolutely.

15

16 BY MS. DUNN:

17 Q Okay. But how can it be implemented and not
18 implemented at the same time? How can you have
19 recommendation number five, with the words implemented on
20 it and yet further on down the paragraph saying it is not
21 implemented, it is for sure not implemented with two
22 agencies and there's an extension clause in force, whatever
23 that means, for two of the other ones? That's a sign, to
24 me, as a non-expert in your department, that that is not
25 correct.

1 A Well, it's just --

2 MR. MCKINNON: Mr., Mr. Commissioner --

3 THE WITNESS: Can I just --

4 MR. MCKINNON: -- I'm rising to object again. At
5 this point -- and this witness doesn't have her own lawyer
6 to object but at this point counsel has asked the question
7 two or three times, it's been answered, I think fully. I
8 am asking you, Mr. Commissioner, to determine that this
9 question has been asked and answered.

10 THE COMMISSIONER: Ms. --

11 MS. DUNN: I have no more questions. Thank you.

12 THE COMMISSIONER: That brings your --

13 MS. DUNN: Yeah.

14 THE COMMISSIONER: -- examination to a close.

15 MS. DUNN: Yes.

16 THE COMMISSIONER: Thank you.

17 MS. DUNN: Thank you, Mr. Commissioner.

18 THE COMMISSIONER: Thank you, Ms. Dunn.

19 MS. DUNN: Thank you, Ms. Bellringer.

20 THE WITNESS: May I, may I add something, though,
21 just to --

22 THE COMMISSIONER: Yes, you may.

23 THE WITNESS: I will clarify one thing and the,
24 the rationale for the, the words we use in this particular
25 report, for the reasons we're doing this report, tie back

1 to the exact wording we have in our original
2 recommendations and unfortunately we tie ourselves into
3 something fairly narrow in the original recommendation and
4 we were, we were recommending that the performance
5 agreements be negotiated which at the, at the time of --
6 following the 2006 report that did take place. And so we
7 do take that into consideration and we felt it very
8 important to also include the information about the
9 expirations because just because it was done once, it has
10 to be done on an ongoing basis.

11 Many of our recommendations are of an ongoing
12 nature and we have concern that if something is done today
13 that it's not kept up for tomorrow and we face that all the
14 time. So it's, it's a practice that has developed, we
15 don't do it to, to, to cause the kind of discussion that's
16 taken place here, we don't believe that the members of the
17 legislature have had any difficulty with that. And I
18 appreciate, in the context of what you are doing, the
19 information we provide is, is being used differently, so we
20 hope the facts are, however, accurate for your use.

21 THE COMMISSIONER: That's fine, I'm -- is that
22 everything you wanted to say?

23 THE WITNESS: Yes, thank you.

24 THE COMMISSIONER: Right. All right.

25 MS. DUNN: Thank you very much for that

1 clarification.

2 THE COMMISSIONER: Yes.

3 MS. DUNN: Thank you, Mr. Commissioner.

4 THE COMMISSIONER: I think that's well to have
5 put that on the record, witness. Re-examination?

6 MS. WALSH: Just very brief.

7

8 RE-EXAMINATION BY MS. WALSH:

9 Q Following up specifically on that point and, and
10 quite frankly, in my discussions with you previously, Ms.
11 Bellringer, that was something that you did have to explain
12 to me is that you can only comment in a follow up report,
13 you are constrained based on how the original
14 recommendation is worded.

15 So, for instance, when we looked at, at page 26
16 of this report, recommendation 13:

17

18 "That the Department ... in
19 conjunction with the ...
20 Authorities clarify and confirm
21 their expectations of how the
22 Child and Family Services
23 Information System ... is to be
24 used by the ... Authorities and
25 mandated agencies."

1 And the follow up results were implemented. That
2 did require some explanation on your part to indicate that
3 what you were saying was implemented was that very specific
4 recommendation in the very specific way it was worded but
5 that you still found there were concerns with respect to
6 CFSIS?

7 A Yes. And the constraint you referred to is a
8 self-imposed constraint, it's our practice. There is
9 nothing in our legislation, for example, that says we can't
10 go beyond the original recommendations when we issue a
11 follow up, it has just been the way that we have chosen to
12 do it, is to directly answer the original recommendation
13 but where there is relevant information that we do become
14 aware of in the, in the course of doing the follow up, we
15 most certainly make sure that it's communicated.

16 Q And so I think that is something important to
17 remember as we read and review your reports, your follow up
18 report, in particular, that that's how the report has to be
19 read.

20 A Yes.

21 Q Does it mean -- would you do another follow up of
22 the findings that are in this 2012 report? Will your
23 office, for instance, ever know or go to look for whether
24 those agreements have been renewed?

25 A Well, I never say never. In, in the, in terms of

1 how we select the next larger audit it's -- I would
2 probably lean towards something very much more specific and
3 the CFSIS system, itself, would stand out for me. And
4 whether or not that, for us, becomes a priority is
5 something we haven't yet decided.

6 We had also identified that we wanted to look at
7 the governance over the authorities, within the
8 authorities, as a specific project and last year we decided
9 not to, but that, too, could be reconsidered.

10 We would probably look at the outcome of the
11 inquiry as input into our next planning process. So, you
12 know, it becomes which area is what we consider to be the
13 most important thing. What information does the
14 legislature or even the department not have when they're
15 making significant decisions and can we make sure that that
16 information is being provided to them through the processes
17 available to us.

18 Q Thank you. Just one last point, just following
19 up on something that I asked you earlier, just so that I, I
20 am sure that we understand the context of your answer. I
21 asked you whether, based on your experience, you were able
22 to comment on how the child welfare system's ability to
23 track important information compares to that of other
24 government agencies or entities. And I think your answer
25 was that CFSIS is not the only system that has problems.

1 First of all, was, was that -- am I right in
2 understanding that that was your answer?

3 A I did. It didn't really answer your question and
4 I admit that. I -- you know, and I, as an auditor we, we
5 are very careful not to conclude on things we don't have
6 any -- we haven't gone and done the research and --

7 Q Sure.

8 A -- pulled together the information and we've
9 never looked at whether or not -- how it compares.

10 Q Sure.

11 A And I, I did, though, want to point out that it,
12 it, it is most certainly not the only system that needs
13 some work. Having said that, is that information important
14 and should it be there? I mean, I wouldn't -- I wasn't
15 suggesting otherwise.

16 Q And you did confirm that CFSIS does have
17 problems, your follow up --

18 A Yes.

19 Q -- report confirmed that.

20 A Yes. And as I have mentioned, it has to be
21 looked at from two perspectives, one the system, itself.

22 Q Yes.

23 A And two, the application of the system or the
24 use, use of the system. And we are aware of the fact that
25 there is some -- there are some organizations that are not

1 using the system appropriately.

2 Q And when I asked the question about other
3 entities or agencies for comparison, those would include
4 things like Lotteries or Hydro, for instance. You
5 understood the question --

6 A Okay, so --

7 Q -- in that context?

8 A And, and, and perhaps I'm from the -- we can see
9 each other's facial expressions. I did make the comment
10 once that you know when, when decisions are being made and
11 you look at systems across the board, I will say -- and
12 Lotteries was the example I gave of a, of an information
13 system that I believe is quite strong and, and I would say
14 if you can track every dime at Lotteries, why can't we
15 track every kid?

16 MS. WALSH: Thank you. Those are my questions.
17 Thank you very much, Ms. Bellringer.

18 THE COMMISSIONER: Thank you, witness, you're
19 completed and I appreciate your attendance here --

20 THE WITNESS: Thank you very much. Thank you.

21 THE COMMISSIONER: -- to assist the Commission.

22 THE WITNESS: Thank you.

23

24 (WITNESS EXCUSED)

25

1 THE COMMISSIONER: All right, I think we'll
2 adjourn till 2:30. Is that a reasonable proposition?

3 MS. WALSH: Thank you.

4 THE COMMISSIONER: And take the next witness at
5 2:30 this afternoon. We stand adjourned. I've got some
6 rearranging to do here so take your leave.

7

8 (LUNCHEON RECESS)

9

10 THE COMMISSIONER: Good afternoon.

11 MS. WALSH: Good afternoon, Mr.
12 Commissioner.

13 If we could have the witness. You are not
14 affirming or swearing, you've chosen a different process.
15 Please explain that.

16 THE CLERK: She's still swearing.

17 MS. WALSH: Still swearing? Okay.

18 THE CLERK: Okay, just simply stand and state
19 your full name to the court.

20 THE WITNESS: Billie Schibler.

21 THE CLERK: And just spell me your first
22 name.

23 THE WITNESS: B-I-L-L-I-E.

24 THE CLERK: And your last name, please.

25 THE WITNESS: S-C-H-I-B-L-E-R.

1 **BILLIE SCHIBLER,** sworn while
2 holding the Eagle Feather,
3 testified as follows:
4

5 MS. WALSH: Thank you.
6

7 DIRECT EXAMINATION BY MS. WALSH:

8 Q Good afternoon, Ms. Schibler.

9 A Good afternoon.

10 Q Now, the water that you've got -- because I'm
11 looking --

12 THE CLERK: It's fresh.

13 MS. WALSH: It's fresh. Okay, that's fine.
14

15 BY MS. WALSH:

16 Q You are the Chief Executive Officer of the Metis
17 Child and Family Authority. Is that right?

18 A That's correct.

19 Q How long have you been in that position? Fairly
20 recently?

21 A Yes.

22 Q Okay.

23 A I was in an acting position from October until
24 January.

25 Q Okay. So you have been in the child welfare

1 system, in Manitoba, for some time and I want to just
2 briefly walk through your background.

3 Going back to the beginning of your career in
4 social work, you received your Bachelor of Social Work
5 degree in 1989?

6 A That's correct.

7 Q You did a practicum with Northwest Child and
8 Family Services and some protection work and work with Ma
9 Mawi?

10 A That's correct.

11 Q Okay. You worked in child protection for over
12 nine years and then you became involved in strategic
13 planning with Winnipeg Child and Family Services?

14 A That's correct.

15 Q From 1999 to 2002 you were part of the management
16 team as Winnipeg -- at Winnipeg Child and Family Services?

17 A In the human resource department, yes.

18 Q And that was as aboriginal liaison?

19 A That's correct.

20 Q During that time you worked with the University
21 of Manitoba to have an internship program for aboriginal
22 students in the Faculty of Social Work?

23 A That's correct.

24 Q Then in 2002 you became the Executive Director of
25 an agency in Ontario?

1 A That is correct.

2 Q In 2005, you were appointed as the Children's
3 Advocate in Manitoba?

4 A Yes.

5 Q You held that position until 2011?

6 A Yes.

7 Q You were a member of the Child Welfare League of
8 Canada for about five years?

9 A That's right.

10 Q You are also one of the Kookum Elders?

11 A That's correct.

12 Q Tell us what -- who are the Kookum Elders?

13 A The Kookum Elders are grandmothers protecting our
14 children. We're a group of grandmothers who came together,
15 in 2007, as a community response to recognizing that there
16 was a lot of abuse that was occurring in our communities
17 and in the City of Winnipeg and that it was our
18 responsibility, as the grandmothers, to reclaim our
19 traditional roles as the nurturers and those that lead to
20 say that the abuse must stop and that we recognize that it
21 wasn't just solely the responsibility of the child welfare
22 system or government organizations to do that but that we,
23 as, as family members, also needed to take our stand, so we
24 did.

25 Q You've worked with other grandmother councils

1 across the globe, haven't you?

2 A That's correct.

3 Q In New Zealand, Australia?

4 A Hawaii. Yes.

5 Q You've also been a foster parent, fostering
6 primarily aboriginal children?

7 A Yes.

8 Q How long have you done that?

9 A It would be over 25 years now.

10 Q Now, you were the co-author of many of the
11 reports which are listed in the order-in-council which
12 established this Commission and which the Commissioner must
13 consider. The questions that I'm going to ask you today
14 are going to focus primarily on your work as children's
15 advocate and on your involvement with some of those
16 reports.

17 A Okay.

18 Q Before we get into those specific areas, though,
19 because of your longstanding involvement with child welfare
20 in this province I thought it would be helpful for us to
21 hear from you on two areas.

22 The first is in your view what are some of the
23 factors that lead families and children in Manitoba into
24 need of the child welfare system?

25 A I would say that one of the primary factors is

1 that those families or those children don't have a solid
2 support network around them and that they might not have
3 access to the resources that are needed to build capacity,
4 build strength. And, and then they may not be visible,
5 they may not be visible in their communities for, for
6 services or, or community people to reach out to them.
7 There's many things that are combined, like poverty,
8 historical involvement, generational involvement in a
9 system, child welfare system.

10 Just limited capacity. Sometimes there's,
11 there's cognitive barriers, sometimes it's social barriers.
12 It can be a multitude of reasons.

13 Q Is there anything unique about the context in
14 which child welfare services are delivered in Manitoba?

15 A Well, we have a system that has devolved and
16 provided that authority to be shared with the First Nations
17 and Metis community because we were overrepresented as
18 peoples within this system, as in many other systems, but
19 recognizing the impact that residential school and just the
20 whole history of aboriginal peoples in this country has
21 had, that has led to further involvement in the child
22 welfare system and an overrepresentation there.

23 So, I think we have done quite well in
24 recognizing that. It just needs to be probably fine tuned
25 a little bit.

1 Q Okay. Let's start by talking about your work as
2 the Children's Advocate.

3 A Okay.

4 Q The Office of the Children's Advocate, is that an
5 independent office?

6 A Yes, it is.

7 Q What, what does that mean?

8 A Well, it means that it is a position that is
9 appointed through legislative assembly through an all party
10 committee. It means that you are at arm's length from
11 government and, and that you are to, to view your
12 responsibilities through the lens of unbiased opinions and,
13 and represent those that you are responsible for through
14 your mandate without having influence of any other bodies.

15 Q The office, itself, is set up under the authority
16 of the Child and Family Services Act?

17 A That's correct.

18 Q Unlike the Ombudsman or Auditor General, who each
19 have their own acts?

20 A That's correct.

21 Q Do you have any views on that?

22 A Yes, I do. It was always something that I, I, I
23 felt compromised, the independence of the office. I
24 understood the history of how the office was formed, it had
25 been begun through the department, it was a position that

1 was established through the department and, and so had been
2 part of. And, in 1999, it became an independent office,
3 after a review was done indicating that in order to be able
4 to fully critique a system you have to be separate from
5 that system, you can't be a part of that system.

6 So, that was an important piece of making it an
7 independent office. What didn't transfer with that, of
8 course, was the fact that the, the mandate and the piece of
9 legislation empowering the Children's Advocate remained
10 imbedded in the Child and Family Services Act so I felt in
11 many ways that was detrimental to the independence.

12 You can't report to the people that oversee your
13 legislation, you can't advise them, when they are
14 responsible for your legislation.

15 Q How did you view your role as Children's
16 Advocate? What did it involve?

17 A Well, my mandate existed to be able to provide
18 service for children who were in the care of the Child and
19 Family Services system in Manitoba. It extended from, you
20 know, from urban rural remote First Nation mainstream
21 communities and it was to be able to animate the voice of
22 those children based on their needs and it was also for
23 those who were entitled to receive services through the
24 child welfare system but hadn't as well as those that were
25 involved in receiving services through the Adoptions Act.

1 Q To whom were you accountable?

2 A I was accountable to the Speaker of the House, as
3 well as Legislative Assembly. My entry to Legislative
4 Assembly went through the Speaker and I felt that my
5 primary accountability was to the children of Manitoba.

6 Q Give us some examples of the types of duties you
7 performed.

8 A Advocating on behalf of those children who were
9 concerned about the services that they were receiving or
10 investigating into matters that were brought to our
11 attention from concerned citizens in the community, or
12 parents or caregivers, or even sometimes workers within the
13 system who felt that they were -- that, that there were
14 limitations there for their ability to be able to act in
15 the best interest of that child. And so, our
16 investigations were done anonymously for the sources of
17 referral, so we wouldn't disclose who those, those parties
18 were that were coming forward.

19 And then further into 2008, we had -- I had the
20 mandate expanded, government expanded the mandate for me to
21 then review, as well, into child deaths in Manitoba.

22 Q And that's under Section 8.2.3 of the Child and
23 Family Services Act?

24 A That's correct.

25 Q Under the legislation that, that gives the Office

1 of the Children's Advocate authority, how far was your
2 sphere of influence?

3 A Well, you know, this was always an area that I
4 was very concerned about in Manitoba. You know there's,
5 there's advocates in all of the provinces across Canada but
6 sometimes -- well, our mandates didn't all resemble,
7 necessarily, one another and my concern, I think, was --
8 came forward very early in my role as Children's Advocate
9 when we had children that were contacting our office and
10 asking us to advocate on their behalf but they weren't part
11 of the child welfare system. And I, I really had to
12 stretch, I really had to stretch to say can I, can I
13 suggest that they may be entitled to receive child welfare
14 services? Are they really a child who may be in need or
15 protection?

16 And I suppose I -- well, I did, I did do that
17 and, and so my limitations, I felt, in the way that the
18 legislation, you know, was written was specific to the
19 child welfare system but I felt that there were many times
20 where we had requests for children who had perhaps
21 disabilities, learning disabilities, that needed advocacy
22 for the education system or we had children who were in
23 youth justice system that really felt that they weren't
24 being heard and they had concerns that their rights may be
25 being violated.

1 Children with mental health situations or who
2 were struggling with addictions that really needed some
3 advocacy but it -- I always had to try and stretch it to be
4 able to include them within our mandate, it wasn't -- and
5 then always risk the fact that I may be challenged by the
6 parties that I may be trying to review, where they may say
7 I didn't have the authority or the mandate to investigate
8 into their, their systems.

9 Q So you referred to your equivalent, your
10 counterpart in other provinces. Are you familiar with your
11 counterpart in British Columbia?

12 A I am.

13 Q If we could pull up -- I think you've got on the
14 stick the legislation for the British Columbia
15 representative for children. Not there.

16 THE CLERK: Okay. Oh, I know where it is.

17 MS. WALSH: Okay.

18 There it is. Well done.

19

20 BY MS. WALSH:

21 Q This is the Act which establishes authority, it's
22 called the Representative for Children and Youth Act, and
23 it's the Act which establishes authority for that
24 representative and is that individual your counterpart in
25 British Columbia?

1 A That's correct.

2 Q If we look at Section 6 of that Act. You'll find
3 it at page, at page 5.

4 THE CLERK: That's it?

5 MS. WALSH: That's it. Thank you.

6

7 BY MS. WALSH:

8 Q Functions of the representative and general
9 powers. That indicates that:

10

11 "The representative is responsible
12 for performing the following
13 functions in accordance with this
14 Act:

15 ... support, assist, inform and
16 advise children and their families
17 respecting designated services,
18 which activities --"

19

20 Sorry.

21

22 "-- include, without limitation,
23 ... providing information and
24 advice to children and their
25 families about how to effectively

1 access designated services ... how
2 to become effective self-advocates
3 with respect to those services,
4 ... advocating on behalf of a
5 child receiving or eligible to
6 receive a designated service, and
7 ... supporting, promoting in
8 communities and commenting
9 publicly on advocacy services for
10 children and their families with
11 respect to designated services."

12

13 And in the definition section, "designated
14 services," at page 2:

15

16 "means any of the following
17 services or programs for children
18 and their families provided under
19 an enactment or provided or funded
20 by the government."

21

22 So it starts with:

23

24 "... services or programs under
25 the Adoption Act, the Child Care

1 BC Act, the Child Care Subsidy
2 Act, the Child, Family and
3 Community Service Act, the
4 Community Living Authority Act and
5 the Youth Justice Act."

6

7 And then goes on to include:

8

9 "... early childhood development
10 and child care services;
11 ... mental health services for
12 children;
13 ... addiction services for
14 children;
15 ... services for youth and young
16 adults during their transition to
17 adulthood."

18

19 Those powers are broader than the powers that the
20 Office of the Children's Advocate has in Manitoba?

21 A That's correct. And, and another, another area
22 that they have jurisdiction in is to be able to look at
23 critical injuries. So while we, you know, had the enhanced
24 mandate to be able to look at child deaths, it wasn't
25 unless something was brought specifically to us from an

1 outside source that said, you know, I really feel this is
2 something you need to look into with this particular child
3 or there was a theme that was occurring that suggested that
4 I might need to do a more comprehensive review and report
5 to government on that. Critical injuries wasn't part of
6 the, the mandate.

7 Q If we go back to page 5, please, of the Act.
8 Scroll down. It also says that the functions of the
9 representative include:

10

11 "... monitor, review, audit and
12 conduct research on the provision
13 of a designated service by a
14 public body or director for the
15 purpose of making recommendations
16 to improve the effectiveness and
17 responsiveness of that service,
18 and comment publicly on any of
19 these functions."

20

21 Again, is that something that the Office of the
22 Children's Advocate in Manitoba had authority to do when
23 you were Children's Advocate?

24 A Well, you know I think it, it is very clear in,
25 in the Act that my responsibility was the advise and report

1 on matters to the Minister and -- but I --

2 Q Not as broad as what --

3 A In --

4 Q -- you see in this legislation?

5 A Yeah. And I felt that it allowed me still an
6 ability to be able to put out a public report. A lot of
7 times that information would come out through the annual
8 report where I would include it. But there had been times
9 where I had been brought forward reports that I felt were
10 imperative for the public to know. Nobody stopped me so I
11 didn't assume that I couldn't.

12 Q Primarily your sphere of influence though was
13 with respect to the delivery of child welfare services?

14 A That's correct.

15 Q Now, in 2008 your mandate had experienced a
16 change, an expansion and just briefly describe what that
17 was, please.

18 A That -- you know, I, I suppose I should probably
19 clarify in saying that, initially, prior to 2008, if there
20 was a matter that came forward to me that suggested there
21 had been a death of a child who had been in the care of a
22 child welfare system, that really needed further
23 examination we would definitely go and, and investigate on
24 that matter. And those would come as individual reports to
25 the Minister.

1 Q All right. But you didn't have specific
2 legislative authority --

3 A That's correct.

4 Q -- to conduct those reviews?

5 A That's correct. And it made it -- I mean, it was
6 certainly very challenging because it kept it right within
7 the scope of the services from the child welfare system, it
8 didn't give me the ability or the authority to look at,
9 perhaps, services that were being provided through Health
10 or even really to access more information through the
11 Medical Examiner, or so forth, it was simply on the reports
12 that I had received.

13 Q So then in 2008, pursuant to recommendations that
14 were set out in Strengthen the Commitment, which is one of
15 the reports listed in the order-in-council and, and was the
16 report that, I guess you were a co-author of, the authority
17 for doing child death reviews was transferred from the
18 Office of the Chief Medical Examiner, under Section 10 of
19 the Fatality Inquiries Act, to the Office of the Children's
20 Advocate under Section 8.2.3 of the Child and Family
21 Services Act?

22 A That's correct.

23 Q And did that -- did -- amendment provide you with
24 authority to look at services that a child who had died had
25 received beyond services from the child welfare system?

1 A Yes, it did and I suppose I probably interpreted
2 it as broadly as I possibly could have, because when I had
3 spoke about publically funded services I felt that that
4 meant that any services that existed that had received
5 funding from government in any way so, you know, I, I
6 interpret that to mean, you know, Health, Justice,
7 Children's Mental Health, any of those areas that receive
8 public funds.

9 Q When you say you interpreted that, the
10 legislation that way, is there -- is the legislation
11 unclear?

12 A I think it was because, you know, we had this
13 discussion on occasion as we were doing the, the child
14 death reviews because I felt that there was instances where
15 we may had -- have identified an area that really clearly
16 needed to be addressed within the department, outside of
17 Child and Family Services so it could have been, you know,
18 the Department of, of Justice, so, so to those Ministers
19 or, or Health or what have you, that was very, very
20 relevant in that particular child's death and so it didn't,
21 it didn't state clearly in the legislation that I had the
22 ability to report to those Ministers.

23 So I still needed to use the, the avenue of going
24 through the Minister of Family Services and what I would do
25 is put an addendum to the actual report that I asked for

1 them to take and deliver to those Ministers to assist them
2 in making improvements to their services.

3 Q What's the significance of these, these death
4 reviews or they're called special investigation reviews?

5 A That's correct.

6 Q There seems to be a lot of emphasis on them.
7 What's their significance?

8 A Well, you know when, when we did the report, we
9 named it Honouring Their Spirits because, as you know I
10 really started to absorb the request and the task that lay
11 ahead for us, I was very quick to, to recognize and
12 understand that it wasn't just about, it wasn't just about
13 statistics, it wasn't just about services, that it was
14 about telling the story of a child who had been taken from
15 this world way prematurely and that there was services
16 attached to that child's life or not and that this child
17 was part of a family and part of a community and so it was
18 imperative for me that we tell the story of that, of that
19 child's life and build it from there. So we called it
20 Honouring Their Spirits because we really needed to honour
21 the, the spirit of that child.

22 Q Now, when you say Honouring Their Spirits, you're
23 referring to the specific report that's listed in, in the
24 order-in-council for this inquiry?

25 A That's correct but the special investigation

1 reviews were done in the same manner, they were done to
2 really look at the, at the child's life and they were
3 delivered in a way that was meant to honour that child.

4 Q Okay.

5 A When those reports were completed, you know, I
6 tried to, wherever possible, our investigators would try
7 and get a photograph of that child, with the family's
8 permission, and always have it on the face of the report,
9 so that as those decision makers, as those people reading
10 those reports would look at it that they would not just be
11 reading words, that they would recognize that this is the
12 story of this child.

13 Q So --

14 A And it's tragic.

15 Q -- we'll come back to the specific report
16 Honouring Their Spirits in awhile. Dealing with special
17 investigative reviews, generally, you've talked about them
18 telling a story and, and the purpose being to tell a story,
19 what, what other purpose did they have?

20 A Well, the purpose was to review the services that
21 had been delivered or had not been delivered that could
22 have prevented a different outcome for this child, could
23 have prevented their, their death, in some situations. And
24 in some situations, when we looked at the death of the
25 child, you know, there may have been determining factors

1 prior to that was going to affect, you know, this child's
2 life but sometimes it was about, you know, what existed for
3 this child in the way of support, what existed for the
4 family in the way of support? Was there any way that any
5 of the publicly funded services out there could have or
6 should have been involved that would have made life better,
7 or easier, or longer.

8 Q Okay. So, according to the legislation, who was
9 to receive copies of these reports?

10 A The reports were to go to the Chief Medical
11 Examiner and my understanding for that was so that he or
12 she would be able to determine whether or not there was
13 still a need to call an inquest.

14 It would go, as well, to the Ombudsman and it
15 would go to the Minister and the Minister would be the one
16 who would ensure that it would go to the department and
17 from the department to the different agencies, authorities
18 and so forth.

19 Q The Minister of Child and Family Services?

20 A That's correct.

21 Q Were those reports ever made public?

22 A Those, as in the special investigation reports?

23 Q Yes.

24 A No.

25 Q Okay. Are they shown to the child welfare staff

1 who were involved in delivering services or not delivering
2 services, who were involved with the family?

3 A Well, I had hoped that they would be and I had
4 assumed that they would be, but I discovered that no, they,
5 they weren't. I mean, you know, in some of the staff and
6 management that I spoke with, sometimes those reports
7 didn't make it through to the agencies, sometimes they
8 never made it through to the front line of the agencies
9 where, you know, those recommendations were really, really
10 relevant and imperative because they weren't just about
11 government and government's decision, they were about how
12 to deliver better services, they were about things that
13 they needed to be aware of that was missing, maybe, in this
14 child's life and how do you link those systems with other
15 systems and so forth. I mean, there was so much relevance
16 to the service providers.

17 Q So in addition to honouring the children about
18 whom the reports were made, the reports are intended to
19 have an educational effect; is that right?

20 A They were supposed to ensure that, despite the
21 fact that this child died prematurely, that there would be
22 a component that we could learn from through that tragedy
23 and try not to repeat.

24 Q And so you would agree that sharing the report
25 with the workers who delivered the services would be an

1 important aspect of trying to ensure that a similar
2 incident doesn't happen again or if there are ways that
3 services could be changed, that the workers would be aware
4 of that.

5 A That's correct. And I, I do understand that
6 things have changed somewhat now and that I believe that
7 there is discussions along the way as those reports are
8 being written prior to their final, their final draft. I,
9 I suppose where there is dialogue that occurs with the
10 agencies directly.

11 Q Now, you said the reports are not made public. I
12 appreciate that they would be full of information that
13 would be of a very confidential nature but if that
14 information were anonymized, could the reports not be made
15 public?

16 A Sometimes those reports are pretty detailed,
17 sometimes there's findings in those reports that, you know,
18 might include work done by, by people out there that may be
19 questionable as far as how well it was done or whether it
20 followed standards because that's -- you know, that's
21 really what we're looking for are the standards being
22 followed, is there an area that needs to be improved, could
23 something have been prevented?

24 It's a really complex area and I'm glad I don't
25 have to make the decision around it. I, I just say that

1 there is cautions to be had because while I feel that it's
2 important to have public accountability, there's also fear
3 that sometimes there's that culpability comes along with
4 that and it may lay with people who aren't entirely
5 responsible for the full decision making. They're just
6 part of the system.

7 Q Well, if the names of the workers were
8 anonymized, as well, would that change your views on
9 whether these reports could be made public?

10 A I think it's important that that happens but I, I
11 would still suggest that there would need to be caution,
12 particularly in small communities, where everybody knows
13 everyone and if that child was from that community quite
14 likely you're going to have people in that agency who were
15 related to the family or what have you and, you know,
16 dynamics occur.

17 Q I ask these questions because you did mention
18 public accountability --

19 A Absolutely.

20 Q -- and I know that in a number of the reports
21 that you've written you've talked about the importance of
22 the community and its responsibility to children.

23 A That's correct.

24 Q And I would think that it would be important in
25 that case for the community to have an understanding as to

1 why a children -- a child has died and, and how that
2 relates to services that they may or may not have received,
3 whether from the child welfare system or otherwise.

4 A I think that is very important. You know what, I
5 think that we've, we've learned that lesson, I think that
6 the public has a right to know, a responsibility to know,
7 as well, because I think what we've seen happen,
8 historically, is that the general public relies on the
9 child welfare system to keep children safe and really feels
10 that they, they don't play a part in that, that that's not
11 part of their responsibility, as well.

12 Q And in your view it is?

13 A And in my view it is and I, and I believe that a
14 lot of times these reports will have educational pieces
15 that the general public needs to be made aware of.

16 Q And we'll talk more about community in awhile.

17 Did your office experience any difficulty in
18 completing these death reviews on a timely basis?

19 A Yes.

20 Q Tell us a little bit about that.

21 A Okay, so you're talking about the special
22 investigations?

23 Q I am, yes.

24 A Well, I think, number one, you know, we were all
25 just coming together as a team, it was new people that I,

1 you know -- you know, I tried to recruit, who had an
2 awareness of the child welfare system or other publicly
3 funded services and trying to bring them all together, so
4 it took us awhile to catch up as to where we needed to go.

5 We were also evolving, you know. We were given a
6 mandate and -- or an enhanced mandate and didn't know what
7 that would really look like and we encountered certain
8 barriers. I mean, first of all, the information around who
9 fell under the category of publicly funded services didn't
10 get out to the publicly funded services, so when we arrived
11 to access information, you know, they were just, well, wait
12 a second, you know, who are you? No, that's not happening.
13 And so we would have to go back to government and say, you
14 know, we need this to, you know, to proceed.

15 So there were things like that. There was also a
16 whole area of, you know, when we were looking at child
17 deaths that happened with First Nation children, in First
18 Nation communities, while, you know, I had in my role
19 jurisdiction in all communities, in Manitoba, sometimes
20 that's interpreted differently when you're looking at
21 federal matters. And so it meant having to put together
22 memorandums of understanding, several meetings had to occur
23 with Health Canada, with, you know, First Nation Health
24 and, and so forth, and just helping everybody to get on
25 board with this.

1 You know, I have to say, I mean, most people's
2 response was, was very good because they understood the
3 importance of the work but initially people are very
4 protective of their private information. We were asking
5 for very private information --

6 Q Yeah.

7 A -- and files, and accessing that. And, of
8 course, there were a whole lot of legalities involved where
9 they had to find out whether we actually had
10 jurisdiction --

11 Q Um-hum.

12 A -- to access those files so a lot of lawyer
13 discussions and trying to just sort this all out for all of
14 us, that was all new. So there --

15 Q Did you --

16 A -- was that piece.

17 Q Sorry, did you hire extra staff to -- once you
18 received the mandate, to do these special investigations?

19 A Well, we, we hired a new team --

20 Q Okay.

21 A -- of people because all of my investigators were
22 tied up doing advocacy work but -- so it was a new team of
23 people but we were also given approval from government to
24 hire some additional people because I had indicated, like,
25 there's no way we can take on a new mandate in an expanded

1 mandate that went beyond child welfare and also now looked
2 at all these other areas. And to catch up on the backlog
3 that we would be inheriting there was just no way, you
4 know, because we weren't just looking at the child welfare
5 details, we were telling the story of the child's life so
6 we, we weren't looking at just from the medical
7 perspective.

8 Q So you inherited a backlog from the Office of the
9 Chief Medical Examiner?

10 A That's correct.

11 Q Okay. Did you also consult, at all, with your
12 own internal counsel or I, I think you've told me that,
13 that you had some, some form of advisors?

14 A I -- we began to try to create these, these
15 reports and as I was, you know, delving into new territory
16 with the expanded mandate into publicly funded services and
17 also looking at the federal jurisdictional issue and First
18 Nation jurisdiction it became very, very clear to me that
19 this was not my area of expertise and so I really thought
20 we needed to be guided in a good way so I, I, I pulled
21 together different stakeholders in the community who had
22 expertise in that area and as well as some elders to help
23 guide us in this process.

24 We took this responsibility very seriously and we
25 wanted to do it well and we wanted to do it right, and I

1 needed to hear the opinions of, of my colleagues out there
2 from different faculties. I needed to also know that the
3 recommendations that we were making made sense.

4 Q Sure. Now, those recommendations, were they
5 binding on anyone?

6 A I --

7 Q They're just recommendations. When, when you
8 make those recommendations, what's the effect of them?

9 A Well, I would hope that if I made them that
10 everybody would adhere to them, of course, but that -- what
11 was the impact of the recommendations?

12 Q More a question of, let me ask you this, did your
13 office have any authority to monitor the implementation of
14 those recommendations?

15 A No. You know, I suppose the only real authority
16 that I had, because there was nothing that existed in my
17 legislation, unlike the B.C. legislation, where they, they
18 have an ability to hold parties accountable on their
19 recommendations and report on that publicly. I could
20 report on some of that in themes --

21 Q In your annual report?

22 A In my annual report.

23 Q Right.

24 A There wasn't real -- you know, could I have gone
25 that route, I, I don't really know. I don't know the

1 parameters of what I could have done but there was nothing
2 specific in legislation that gave me the ability. So I
3 didn't push the envelope too hard on that for a number of
4 reasons and one was because we were very new and evolving,
5 the other reason was is because there was a lot of delicate
6 matters being addressed in the child welfare system at that
7 time.

8 Q So you have the resources, you do the special
9 investigative reviews, you send the three copies out and
10 then?

11 A And then we hope that everybody is paying
12 attention to them. We hope they're getting to where they
13 need to get to. And we hope that they're being, that
14 they're being supported and recognized for the value of --
15 it's not just about beating up a system, it's not about,
16 you know, pointing fingers at a system. I, I worked in
17 that system, I know how hard that work is. It's about, you
18 know, hey, we're all here for the children and we're all
19 here to ensure that if there is a way to improve our
20 services, let's get it together and do it. That's what
21 this is all about.

22 Q Ultimately, the Ombudsman received legislative
23 authority to monitor the implementation of the
24 recommendations your office makes in these special
25 investigative reviews?

1 A Yes.

2 Q Do you have any thoughts on that?

3 A Well, yeah. I'm kind of -- I kind of fence sit
4 on this one, and I'll tell you why. Because part of it is
5 is that I felt it was almost undermining to my office and
6 to our authority that we didn't receive the, you know,
7 stated powers to be able to do that and report publicly on,
8 on the implementation in the same way. I almost felt like
9 it was like, you know, I had to have the, you know, big
10 brother or big sister kind of overseeing us because we
11 weren't developed enough to do this on our own, so there --
12 to me there was some kind of implications there.

13 But on a positive note I thought that, number
14 one, I should have had the ability to be able to report on
15 that publicly and, and hold people accountable to the
16 implementation but it was also nice knowing that there was
17 another independent office who had the ability to oversee
18 and was also reporting on it publicly. So then, you know,
19 it would give a little bit more clout, as well, it would be
20 another voice echoing what we felt was very critical and
21 important in this process so ...

22 Q Did your office ever hear back from any of the
23 agencies, for instance to whom you had made recommendations
24 or about whom you had made recommendations?

25 A I am sure we did. I know, you know, in any of

1 the meetings that I attended at, at standing committee, you
2 know there would be dialogue, sometimes with the
3 authorities, with the, with the four CEOs of the
4 authorities.

5 Q But not a formal process of, of reporting back?

6 A No.

7 Q Okay.

8 A That was really done through, through government
9 and through, I guess, the authorities.

10 Q Okay. The staff that you had, were they social
11 workers?

12 A Yes, most of them were.

13 Q Okay.

14 A Not all of them. If they had an area of
15 expertise that I felt we could really utilize that was
16 imperative to the general makeup of our team, you know.
17 One was someone who was a retired police officer, who had
18 been very involved with youth and youth strategies so, to
19 me, that was valuable.

20 Some people came with a mental health background.
21 They came with various experiences but for the most part
22 they were social workers, yes.

23 Q Many of them were child welfare workers?

24 A Yes. I don't think you can really get around
25 that in that -- in this province. I think that if you

1 really want to be able to know and understand a system you
2 really need to have some experience within that system to
3 know the intricacies of it.

4 Q How did you deal with a situation where your
5 staff was being asked to review the services of an agency,
6 for instance, where they had worked or where friends of
7 theirs had worked, colleagues of theirs had worked?

8 A I think, you know, one thing that I have to say,
9 of course in Manitoba, is because we are a small province
10 most people have worked with somebody in the system at some
11 point in time in child welfare. If this was a unit that
12 you were a part of, if this was an agency that you had been
13 involved with, we had had dialogue about that right in our
14 hiring process, you know, about, you know, the need to be
15 unbiased and the need to declare a conflict if it was a
16 particular agency that was close to you.

17 Like, we wouldn't expect somebody to have, have
18 reviewed services from the service team they had been a
19 part of or under the supervisor that had supervised them,
20 we -- that just wouldn't happen.

21 Q So the fact of, as you say, this is a small
22 province, the fact of your staff being child welfare
23 workers reviewing the work of other child welfare workers,
24 didn't concern you in terms of their objectivity?

25 A I think, I think I can say, very, very

1 confidently that the people that came to want to be a part
2 of the Office of the Children's Advocate came there because
3 they had had a fair amount of experience, they knew and
4 understood the system, and they knew and understood the
5 need for improvements within the system and so they came
6 with a lot of integrity and a lot of commitment to the
7 children of this province and I think that was their
8 priority.

9 Q Was your staff unionized?

10 A Yes, my staff was unionized. Not my managers and
11 not -- like not my senior managers but yes, my, my
12 frontline staff were unionized.

13 Q So would they have been members of the same union
14 that the frontline child welfare workers were members of?

15 A Yes.

16 Q Did that cause you any concern in terms of their
17 objectivity?

18 A Yes, it, it caused me concern because I think
19 the, the operative piece here is an independent office.

20 Q Did your office have access to CFSIS?

21 A Yes.

22 Q Okay. When would you use it?

23 A Every day.

24 Q Give me an example of why your staff would use
25 it?

1 A Someone is calling, they have concerns about a
2 child. We would have to, we would have to access CFSIS to
3 find out, you know, who is involved with this child, what
4 agency is servicing them, what workers may be involved, so
5 we would need to know who to contact to advocate on behalf
6 of that child.

7 Sometimes we would need to do that in order to
8 review a case plan. You know, a child's -- you know,
9 somebody from the community may be presenting some
10 information or a concerned parent may be presenting some
11 information but perhaps the information that's in the
12 system doesn't -- you know, maybe it contradicts that. So
13 we would have to kind of do an analysis of that and then
14 make contact with the worker from the agencies.

15 Q Okay. So your office had full access then to
16 files in CFSIS?

17 A And we would have to do that in regards to, also,
18 trying to find the information on a child who may die while
19 receiving services or having received services, um-hum.

20 Q In terms of the types of, of referrals that your
21 office would respond to, if, if an individual phoned to
22 make a referral to an agency of a child they thought was in
23 need of protection and still wanted to have some further
24 response, could they phone your office, would that be an
25 appropriate place to, to contact?

1 A Okay. I'm sorry, I'm not following you.

2 Q So, for instance, if somebody phones CFS and
3 makes a referral and they don't think that they were heard
4 or they didn't -- then could they phone the Children's
5 Advocate's office and say, you know, I have a concern about
6 this child?

7 A We used to get many of those calls.

8 Q And how would you respond to those?

9 A We would, we would hear what they said, we would
10 follow up on, on their concerns and then we would -- I
11 would, I would report back to them, either that this has
12 been, you know, brought up with people within the agency,
13 management or what have you, if there was accuracy to their
14 concerns or we would have to let them know that we looked
15 into it.

16 You know, quite often, you know, and it was very,
17 very imperative for me to, to advise people who were
18 calling, you know, on behalf of children -- you know I
19 think if you look at my annual report and look at the
20 sources of referral, many of those calls that came in were
21 from adult caregivers, relatives, foster parents, concerned
22 people in that child's life, adults, and, and sometimes
23 they're -- they have a different agenda and sometimes they
24 may be not happy with a plan that is in place for -- that
25 the agency has put in that place. So --

1 Q So that would be something you would have to
2 assess?

3 A We would have to assess but we also would make it
4 very clear, right from the beginning of working with that
5 caller that, yes, we definitely will look into it but we
6 need to let you know we are the advocate for the child and
7 so we will be looking at it through the lens of what is in
8 the child's best interest, not what's in the agency's or
9 the adult's best interest but the child's best interest.

10 Q And in doing that you could independently have
11 access to CFSIS?

12 A Yes.

13 Q You mentioned annual reports. You were required
14 to prepare annual reports?

15 A That's correct.

16 Q And they're a matter of public record?

17 A That is correct.

18 Q What kind of matters would you put into your
19 reports? What would they contain?

20 A Mine? Everything. I used it as an opportunity
21 to, to really tell the story of what our year's services
22 were all about and what I felt were really, really
23 important child welfare themes.

24 Q Though we have --

25 A You know, they were usually based on one of those

1 ah-ha moments or dialogue that would occur between my team
2 members and myself around, you know, like just the
3 philosophy of child welfare, the practice of child welfare.
4 So it didn't necessarily have to be related to a specific
5 incident, it could be based on are we doing the right thing
6 in this province, are we doing it in the right way, what
7 are we missing here.

8 Q I have -- we have your annual reports in our
9 disclosure and I am going to put them into the record in a
10 minute but I also have a hard copy of, of one of your
11 reports, this is the annual report for April 2008 to March
12 2009 and April 2009 to March 2010 that we should mark as an
13 exhibit.

14 THE COMMISSIONER: Exhibit 40?

15 THE CLERK: Forty-four, Mr. Commissioner.

16 THE COMMISSIONER: Forty-four.

17

18 **EXHIBIT 44: ANNUAL REPORT OF THE**
19 **OFFICE OF THE CHILDREN'S ADVOCATE**
20 **FOR YEARS 2008-2009 AND 2009-2010**

21

22 BY MS. WALSH:

23 Q The, the annual report that we've put into
24 evidence as, as an exhibit, is that representative of, of
25 what your annual reports looked like?

1 A No. Because that is one that I believe that was
2 one that was done by myself for the first year and it's got
3 a second year in it. That was done by my deputy, who was
4 in an acting Children's Advocate position.

5 Q I see. Okay. In terms of format though?

6 A Yes.

7 Q That sort of thing, that's pretty typical?

8 A Yeah.

9 Q Fairly substantial looking?

10 A That one's a big one because it's two, two in
11 one, I think.

12 Q Okay. The other ones that we've got in our
13 disclosure, that were put into the record, Commission
14 disclosure -- let's put in 2015 through 2000 -- or sorry,
15 215 to 222. So all those CDs, 215 to 222, inclusively.
16 And CD 1741. So those CDs, in their entirety, those
17 actually represent the annual reports starting in 1999,
18 going all the way up to 2010.

19 And the annual report identifies statistics such
20 as the number of requests for services, the number of case
21 files opened. Fair to say that those numbers increased
22 every year?

23 A Absolutely. I think that -- I'm trying to
24 remember how much they increased but it was a significant
25 amount, even from 2005 when I was first appointed, within a

1 couple of years there had been a huge jump.

2 Q What do you attribute that to?

3 A I think there's probably a number of factors. I
4 think, I think part of it is, is that there was a huge
5 reaction and response at the time of the discovery of
6 Phoenix Sinclair's death and the fact that there was
7 questions as to whether or not the system had responded in
8 the way that it should have to, to protect her. And I
9 think that what ended up happening with that was that the
10 child welfare community became very, very vigilant to make
11 sure that -- and I think -- well, also, I believe there was
12 a piece of legislation that changed where it was, you know,
13 indicated the child comes first, the child, the child's
14 safety is paramount. So with, with everything else around,
15 you know, culture and you know, keeping a family together
16 and all of those things that are part of the, the child's
17 best interest, the safety of the child should never be
18 compromised in order to, you know, ensure the other. So, I
19 think people really paid attention to that in a big way.

20 Q Okay. Once your office took over responsibility
21 for, for doing the, the special investigative reviews or
22 death reviews, you reported on those findings in your
23 annual reports, as well?

24 A We themed --

25 Q Right.

1 A -- recommendations so that people could see
2 generally what it was we were looking at, you know, and we
3 would also indicate percentages around homicide, suicide,
4 nature deaths and so forth.

5 Q And you -- aside from the findings in those
6 reports, you would identify key themes, generally, in your
7 annual reports?

8 A Yes.

9 Q Did you find that there were certain key themes
10 that recurred?

11 A Yes.

12 Q Can you give us some examples?

13 A I think one area certainly was around
14 communication within the child welfare system and that came
15 from every level. That came from a leadership right down
16 to management, to front line. It occurred between
17 agencies, between authorities. There were -- there was
18 concerns about how well that communication was occurring.
19 But also, a huge area was how well did that communication
20 occur between other service providers outside of the child
21 welfare system and how well were people responding or aware
22 of the needs of a child to provide a safety net.

23 Q Other things?

24 A That was one area.

25 Q Okay. Another thing?

1 A Another area was recognition of, of the fact that
2 there didn't seem to be a whole lot of knowledge around
3 standards and that standards were, were set up to be the
4 minimum required, they weren't -- you know, they weren't
5 supposed to be the, the ultimate, they were the minimum
6 requirement.

7 And, and so knowing and understanding what
8 standards looked like and what was expected of people we
9 saw quite frequently people did not know what was expected
10 of them in certain circumstances.

11 Sometimes we didn't see clear evidence of best
12 practice and knowing what -- knowing and being able to
13 assess safety risks, strengths within a family.

14 The other area I think that we saw quite
15 frequently which prompted me to do another report, an
16 independent report, was in services and planning for youth
17 who were --

18 Q Youth who were aging out of the system?

19 A Youth who were aging out but it had to begin well
20 before that and that was one of the areas we were really
21 concerned with was lack of adequate planning for these
22 youth who were aging out.

23 Q Okay. If we can pull up page 8246. This is from
24 your 2009-2010 annual report. You reported here on the SIR
25 themes arising from the special investigation reviews. And

1 you identify three main themes in the recommendations to
2 the child welfare system: Case management, accountability
3 and training. So you said the most frequently cited area
4 for improvement was case management, which was the focus in
5 65 recommendations.

6

7 "Case management is well outlined
8 in provincial standards and speaks
9 to the process of providing
10 service in a series of defined
11 steps moving from intake through
12 assessment and planning to service
13 delivery and evaluation. The ...
14 reviews noted that assessment and
15 risk assessment were particularly
16 troubling areas as were issues
17 related to both service delivery
18 and planning."

19

20 So that's just what you were telling us about.

21 A Um-hum.

22 Q

23 "Accountability. We made 52
24 recommendations in the area of
25 accountability. Almost half of

1 those recommendations spoke to
2 shortcomings in the areas of
3 documentation and reporting
4 practices. Some files were found
5 to be inadequate in both the
6 amount and quality of recording.
7 This is especially troubling where
8 children or families are changing
9 placements, changing workers,
10 and/or changing agencies. Without
11 solid recording, history is lost,
12 assessments are wasted and
13 planning must continually be
14 repeated. The areas of funding,
15 caseload size, staffing and
16 staffing resources jointly speak
17 to stress within a system that
18 expects more than can possibly be
19 delivered with its current
20 resource base. Caseload size
21 continues to be a barrier to best
22 practice service delivery and we
23 can see the impact in case
24 management and accountability as
25 noted above."

26

1 And then training, you said:

2

3 "We repeatedly note the necessity
4 of increased or improved training
5 for workers, supervisors and
6 service providers."

7

8 Is it fair to say that in reporting on these
9 recommendations this was not the first time that such or
10 similar recommendations had been made by your office?

11 A That's correct.

12 Q And what do you make of that, that your office
13 continually reported on similar recommendations and kept
14 making the same recommendations.

15 A Well --

16 Q Repeatedly.

17 A -- I think there's a few things. I mean,
18 certainly that hadn't been an area, obviously, of focus for
19 government or the authorities to be putting their energies
20 toward or it was a very daunting task and it's something
21 that, that takes times, particularly around ensuring that
22 everyone is, is receiving the training necessary.

23 One would hope that that's done prior to somebody
24 coming into work within the system but we know that's not
25 necessarily the case. So there's, there's a whole lot of,

1 I guess, concern about what -- how much emphasis was placed
2 on those areas when you see them as time and time and time
3 again there being such high priority around that.

4 Q During the time that services were being provided
5 to Phoenix and her family she was five and, and under the
6 age of five. As Children's Advocate, how is your office
7 able to advocate for children in that age group?

8 A Well, we know that the risk for children who are
9 non-verbal, who are not in school, that infant and toddler
10 stage is much more challenging. We rely specifically on
11 people in the community, people in the family. You know,
12 that, that network of people who are supposed to be out
13 there supporting those families in some way that if there
14 is concerns to -- for the safety of that child that it's
15 being reported to the child welfare system and if -- you
16 know, if it's unaddressed then it comes to us. But that's
17 the only way we can really -- we rely on public health
18 nurses, doctors, daycare providers, like anyone who may see
19 that child because otherwise that child is invisible --

20 Q Right.

21 A -- to the community.

22 Q So the more a child of that age is out in the
23 community, the safer they are? Is that fair?

24 A Absolutely.

25 THE COMMISSIONER: Now, Ms. Walsh, I'm going

1 to --

2 MS. WALSH: Yes.

3 THE COMMISSIONER: -- try to hold the
4 mid-afternoon break till 10 minutes today because we were
5 late getting started. So is this a good time to take that
6 break?

7 MS. WALSH: It is.

8 THE COMMISSIONER: All right. We're going to
9 adjourn for 10 minutes and let's try to hold it, as I say,
10 to that, given that we've got a short afternoon.

11 MS. WALSH: Thank you.

12 THE WITNESS: Thank you.

13

14 (BRIEF RECESS)

15

16 THE COMMISSIONER: Well done.

17 MS. WALSH: Ten minutes, not that you were
18 keeping track.

19

20 BY MS. WALSH:

21 Q Ms. Schibler, during your time as Children's
22 Advocate, did your office do any formal auditing of child
23 welfare agency files?

24 A No.

25 Q Do you think that would be a good thing for the

1 Office of the Children's Advocate to be able to do?

2 A I think it's a good thing for someone to be able
3 to do. I've given this a fair amount of thought since
4 being Children's Advocate, as to who that responsibility
5 should lie with. In many ways I think it's a good thing to
6 have with an independent office doing that but I think, I
7 think sometimes, you know, the real improvement happens
8 when there are self-assessments, there just has to be a
9 lead to be able to do that.

10 In my experience in Ontario we had annual file
11 audits and those were conducted by the Ministry. We
12 welcomed them, we really did. We didn't see them as being
13 a criticism to our services and yet, you know, they were
14 pretty harsh in their reporting on them because there was
15 expected compliance to service practice and standards and
16 so those, those audits were done with respect to a template
17 that looked to see that certain forms were in the file,
18 that certain practices were being delivered on, that
19 certain standards were being made, were being met and a lot
20 of that would be on timely recording, so on and so forth,
21 and then at the end of the audit we would receive a
22 compliance report and that would be on our family service
23 files and on our children in care files and those audit
24 reports would go to myself, as the executive director, and
25 also to my board of directors. And so we were expected to

1 respond back to the ministry and indicate how it is we were
2 going to address these areas of non-compliance.

3 Q So who --

4 A It also --

5 Q Sorry, go ahead.

6 A It also allowed you an opportunity that if there
7 were certain things you knew in the standards you couldn't
8 comply with, like for us, you know, there were time
9 restraints, sometimes my staff couldn't get out to a remote
10 community because, you know, the planes would be grounded
11 for weather reasons or whatever so we knew we weren't going
12 to meet that, that standard. So what my responsibility
13 was, was to contact the Ministry and let them know that we
14 were facing this situation and we weren't going to be
15 compliant in that matter. They would give us a variance,
16 they would give us a compliance variance which we would
17 then have on file and it would be the balance that said,
18 okay, we weren't compliant but here is the reason why and
19 that would all be maintained within our file.

20 So, so then what we really were reported on was
21 the things where we -- there was no variance, where we knew
22 we hadn't met standards, and were non-compliant. What
23 this --

24 Q So you think someone should be -- should have
25 responsibility for auditing case files in an agency and who

1 that person should be.

2 A Well, you know, and as I was indicating, I think,
3 a lot of it brought about self-awareness for us and my
4 responsibility to my agency and my board was to say, you
5 know, why are we waiting for the Ministry to come in to do
6 compliant audits, why aren't we self-evaluating? And so I
7 was able, in my funding, to be able to put together a
8 position of a quality assurance, you know, staffing person
9 who did random file audits for compliance well in advance
10 of the Ministry coming in.

11 Q Okay.

12 A The unfortunate thing is, here in Manitoba, is we
13 are really strapped in our funding so we don't have these
14 auxiliary positions to be able to, to develop.

15 Q Thank you. I think we will hear some evidence
16 over the course of this phase with respect to quality
17 assurance, staffing that, that is in place now, so -- but,
18 but I am happy to have heard your views on that. Thank
19 you.

20 A Thank you.

21 Q In terms of the reports that you were involved
22 with, the reports that are listed in the order-in-council
23 that set up this inquiry, you were involved with the
24 special case review in regard to the death of Phoenix
25 Sinclair, also known as the Section 4 report. And that --

1 is that right? You're nodding your head.

2 A Yes. Oh, sorry.

3 Q We're creating a transcript.

4 A Yes.

5 Q Thank you. Okay. And that -- it's called a
6 Section 4 report because it was prepared under the
7 authority of Section 4 of the Child and Family Services
8 Act?

9 A Yeah. We called it a special investigation
10 report because while we recognize that the request was done
11 through the Section 4 it -- you know, really, I mean the
12 powers and authority to be able to investigate in those
13 areas and access and, and speak with already existed in my
14 mandate, so you know, I kind of struggled with that a
15 little bit. I, I knew that the Section 4s were being done
16 through, you know, through the department, it was being
17 done through the authorities, it was being done in other
18 areas. Ours were really special investigations.

19 Q And just for the sake of our record, CD2164,
20 pages 46396 to 46398 are the terms of reference for the
21 Section 4 report. You want to just briefly look at those.
22 46396 is where they start.

23 So those terms of reference were provided to you
24 and then you hired Mr. Koster?

25 A That's correct.

1 Q Okay. You were also involved with the
2 preparation of Strengthening our Youth and how did that
3 come about?

4 A That one was one that I determined needed a
5 special report. It was not a request through government or
6 the department in any way, it was one that I was, as I
7 indicated, seeing themes and felt that it was a critical
8 one for the system to look at, that there were so many
9 areas that we knew were not good outcomes for the kids that
10 the, that the system had responsibility for, they were the
11 parents of these children and yet the outcomes were not,
12 were not good.

13 THE COMMISSIONER: Is that Strengthening the
14 Commitment or is this Strengthening our Youth?

15 THE WITNESS: It's Strengthening our Youth.

16 THE COMMISSIONER: Strengthening our Youth.

17 THE WITNESS: Yes.

18 THE COMMISSIONER: Thank you.

19

20 BY MS. WALSH:

21 Q You were also involved with the external review
22 Strengthening the Commitment?

23 A That's correct.

24 Q Along with Michael Hardy and Irene Hamilton, who
25 was the Ombudsman?

1 A That's correct.

2 Q And that review was not specific to the facts of
3 Phoenix's life, what was the purpose behind that review?

4 A That review was kind of a response from
5 government to, to do a review of what was happening around
6 case management, service planning, taking a look at all of
7 the areas that would affect service delivery in child
8 welfare. So it was a more comprehensive kind of review of
9 the overall system.

10 Q And finally, you were involved with Honouring
11 their Spirits, which is at "D", of paragraph three. The
12 child death review report. And how did that one come
13 about?

14 A That came about from government responding and I
15 suppose looking at the fact that there was the request to,
16 to look specifically at the matter of Phoenix Sinclair and
17 her family and the services they received but I, I think
18 that there was concerns that had erupted in the public and
19 in through the media around, you know, if this is what's
20 happened -- there was suggestions that this was a child
21 that had fallen through the cracks of the child welfare
22 system during devolution and so on and so forth and I, and
23 I believe it was a response to, to look at the child deaths
24 in the years leading up to devolution and through the
25 actual devolution process just to assure people that, you

1 know, that these were children that, that had received the
2 services necessary.

3 Q Okay. In terms of the, the Section 4 report, the
4 report that Mr. Koster -- is it fair to say that he was the
5 primary --

6 A Investigator.

7 Q -- writer and investigator of that report?

8 A Yes.

9 Q Okay. There were three recommendations in that
10 report that were directed at the Office of the Children's
11 Advocate. If we can turn to page 93 of our disclosure,
12 which is page 92, Mr. Commissioner, of the actual report.

13 THE COMMISSIONER: Yes, I have it.

14

15 BY MS. WALSH:

16 Q The first of those three recommendations was:

17

18 "That as an independent body, the
19 Office of the Children's Advocate
20 be provided a role in the auditing
21 of children's case files
22 (compliance)."

23

24 So we've, I think, discussed that already.

25 A Can I just respond a little bit more to that?

1 Q Absolutely.

2 A Because I, I know that I had indicated to you
3 that I have given this a lot of thought since --

4 Q Sure.

5 A -- leaving that role. And one of the things I've
6 certainly come to know, as I have re-entered into the world
7 of child welfare, has been that at the time that this
8 recommendation was written we felt that -- you know, we, we
9 looked at it as to, you know, what that particular role of
10 the Children's Advocate may be in other countries and I
11 know Andy leaned a lot around what was happening in, you
12 know, New Zealand and so forth but we felt that it really
13 needed to be with an independent office and made sense for
14 it to be with the Office of the Children's Advocate. But,
15 you know, I think in, in viewing it now, I would suggest
16 that this is really also a role that could be undertaken by
17 the, by the four authorities. I think that that's a
18 responsibility, I think what I've seen play out in the
19 whole authorities process and devolution would really
20 suggest that more of the responsibilities for child welfare
21 delivery and overseeing their agencies, that needs to be
22 given a little bit more substance within the authorities,
23 themselves.

24 Q And, as you're saying that today, you are the
25 CEO --

1 A I am.

2 Q -- of the Metis Authority?

3 A That's correct.

4 THE COMMISSIONER: You stand ready?

5 THE WITNESS: I do.

6

7 BY MS. WALSH:

8 Q Let's scroll down please to see the next
9 recommendation.

10

11 "That the Child Protection Branch,
12 consider the Office of the
13 Children's Advocate to have a
14 partnering role in the provision
15 of Child Welfare Accreditation
16 once it is established in
17 Manitoba."

18

19 A Right.

20 Q What was your understanding of what that
21 recommendation was aimed at?

22 A Well, I, I think, from what I understand, in my
23 discussions with Andy as to why he felt that this was, you
24 know, an important one was to really, really look at how do
25 we ensure that there is a mechanism for accountability but

1 also assuring the general public around the credibility of
2 the system and, and that we, as a, as an office should have
3 a role in that.

4 Q What did you mean specifically by child welfare
5 accreditation?

6 A Well, we were talking about -- when we were
7 talking about accreditation we were looking at making sure
8 that there was areas in the system where people would be
9 confident, met the best practice standards, that workers
10 are working from an area where they practice from that,
11 where they have been trained in that and just trying to do
12 some really good quality assurance in the system and in the
13 service delivery and those who are delivering the service.

14 Q And just -- with whom would the accreditation be?

15 A The accreditation would be with the workers,
16 themselves, within the child welfare system. I suppose
17 that Andy was leaning more towards -- I don't know that he
18 was necessarily leaning towards the agencies or the child
19 welfare system, I think a lot of our discussion was really
20 around accreditation towards those delivering the, the
21 services.

22 Q This would be an accreditation system within the
23 province not subscribing to an external accreditation
24 system?

25 A I'm not sure really.

1 Q Okay.

2 A I can't speak to that.

3 Q Fine. And the third recommendation:

4

5 "That the (children) Child
6 Protection Branch provide a
7 detailed report to the Office of
8 the Children's Advocate indicating
9 the status of the recommendations
10 listed in this report. This
11 should be submitted within nine
12 months after the completion of
13 this case review."

14

15 And do you recall whether you received that
16 report within nine months or otherwise?

17 A I don't recall getting that report. I know that
18 the responses that I did see was really to all of the
19 recommendations from the various reports and those were
20 reporting back through the changes for children initiative
21 and that really was more what kind of kept us apprised as
22 to where the recommendations were at as far as
23 implementation.

24 Q All right. With respect to the report Strengthen
25 the Commitment, attached as an appendix to that report was

1 a paper on best practice, a review of best practices, by
2 Alex Wright. Am I correct in understanding that you are
3 the person who asked her to prepare that paper?

4 A Yes, I did so on behalf of, of my colleagues. I
5 had worked with Dr. Wright in the past and I knew of the
6 work that she was doing around her research into best
7 practice and so forth, so I thought she would be an obvious
8 candidate for that.

9 Q Did you expect that that paper would be provided
10 to anyone in particular beyond being attached to Strengthen
11 the Commitment?

12 A Well, I expected the entire Strengthen the
13 Commitment report and recommendations in its entirety,
14 which included Dr. Wright's report on best practice, to be
15 highlighted in all of the child welfare system in Manitoba
16 because that was the whole purpose of it, what is best
17 practice, how do we attain best practice.

18 Q Okay, thank you.

19 A Thank you.

20 Q Let's -- then the last two areas I want to cover
21 with you are to review portions of Strengthening our Youth
22 and Honouring their Spirits, those two reports.

23 A Okay.

24 Q If we can pull up the executive summary of
25 Strengthening our Youth, page 551, please.

1 Now, Mr. Commissioner, you want the, the hard --
2 the original page number. Oh, we've got it on there, good.
3 So that's page 4 of, of the report that you're probably
4 using.

5 THE COMMISSIONER: This is Strengthening our
6 Youth?

7 MS. WALSH: Yes.

8 THE COMMISSIONER: All right. Now, what's your
9 question?

10 MS. WALSH: We're, we're at the executive
11 summary.

12 THE COMMISSIONER: Oh.

13 MS. WALSH: I haven't asked a question yet, we're
14 just, we're just starting with the executive summary.

15 THE COMMISSIONER: Yes, I have it.

16 MS. WALSH: Good. Thank you.

17

18 BY MS. WALSH:

19 Q So you indicate in this first paragraph that:

20

21 "Almost 1,600 youth will be aging
22 out of the child and family
23 services system in Manitoba in the
24 next three years. According to
25 the Department of Family Services

1 and Housing ... (CFSIS), most of
2 the youths, (70%) are Aboriginal
3 and a significant number have a
4 diagnosed disability ... Many of
5 the youth have not acquired the
6 skills necessary to manage adult
7 tasks and few have the support of
8 family to help them out. Some
9 have disabilities while others may
10 be struggling with mental health
11 issues. As youth differ, so do
12 their needs, but without question,
13 the majority of youth leaving care
14 are alone and vulnerable. Concern
15 about the vulnerability of youth
16 after they leave care has been a
17 recurring theme in the work of the
18 Office of the Children's Advocate.
19 This review examines the issues
20 affecting former youth in care,
21 provides a comparative analysis of
22 policy and research findings and
23 makes recommendations. Research
24 on youth transitioning from care
25 shows many negative outcomes. A
26 large number of former youth in

1 care are homeless, do not complete
2 high school, are receiving social
3 assistance, are more likely to be
4 incarcerated, self harm, have
5 suicidal impulses, are depressed
6 and are at high risk of
7 exploitation, especially in the
8 sex trade."

9

10 So that's, that's what prompted you to, to have
11 this report prepared?

12 A Not to mention the gang involvement.

13 Q The gang involvement, as well. What was the
14 process for preparing this report?

15 A As I, as I realized how important a theme this
16 was to be able to look into, you know, and I think a lot of
17 it was prompted by there seemed to be a series of telephone
18 calls from youth who were -- or service providers outside
19 of child welfare who were concerned because, you know,
20 perhaps a child, a youth was incarcerated in the Youth
21 Centre, they were turning 18 next week, there was no plan
22 in place for them, they had been in the care of child
23 welfare and you know -- and, and there was concerns like do
24 we just open the door and let them go at 18 and expect that
25 they are going to be okay? You know, what can you do to

1 advocate on their behalf?

2 So, there were a series of those kind of
3 concerns, there were also a series of concerns directly
4 from the youth --

5 Q So --

6 A -- who were -- sorry.

7 Q Sorry. The process then that you used to
8 prepared this report, involved what?

9 A The process involved determining who I could
10 contract to look into this and I felt very confident with
11 Alice, she had been a former colleague of mine, Alice
12 McEwan-Morris. She had been a colleague of mine who, way
13 back in the beginning of my child welfare career, was
14 already involved in working with youth, preparing them
15 towards independence, so I knew that this was a passion for
16 her. And so it was about let's look at the statistics,
17 let's do some research in the area of outcomes, let's see
18 what has historically been done. What do we know and, and
19 where do we know we want to go.

20 Q Starting at page 553 of the report, you list 45
21 recommendations. If we can scroll down please and perhaps
22 go on to the, the next page. So those -- if we can just
23 scroll down to the next page. Sorry, I know that we do ask
24 a lot of you to keep us --

25 THE CLERK: As long as you're (inaudible).

1 MS. WALSH: Okay, no that's, that's good.

2

3 BY MS. WALSH:

4 Q But going through these 45 recommendations, it's
5 fair to say they relate to issues surrounding housing,
6 education, that's -- as, as fairly recurring themes.

7 A Support systems, all sorts of things, yes.

8 Q And do you know the extent to which these
9 recommendations have been implemented or is that beyond
10 your knowledge?

11 A I don't know system-wide. I can say I have
12 confidence that the statistics for extending youth in care
13 to assure that they have things in place for a successful
14 outcome, that is occurring more frequently now.

15 I know that there are -- I see those extension in
16 cares happening, I know that there has been some work done
17 by the General Authority on behalf of the four authorities
18 to meet with educational, post-secondary educational
19 facilities and institutions to try and receive support and
20 bursary money for our kids that are coming through the
21 child welfare system.

22 I know that there has been a lot of work like
23 that, our agencies, if I can just do that, our --

24 Q Our being the Metis?

25 A The Metis have really, really not only culturally

1 relevant but imperative services to our youth. We do
2 celebrations to honour our youth, as they turn 18, we very
3 much do this in a big way, bringing in all of the people
4 that they have in their life as their support system, their
5 friends, their colleagues, their worker, everybody does
6 like a tribute to them and we wrap them in a Metis sash and
7 we tell them that they are part of our Metis family, that
8 no matter where they go in life they can always know that
9 they can come back to us and that we will help them.

10 And we have a Metis spirit program that works
11 specifically with those children who have aged out of the
12 system, who may not -- some of them may be extended in
13 care, some of them might not. Some of them may come back
14 to us beyond being in care and just know that it's harder
15 out there than they thought it was going to be and our
16 Metis spirit program will support them, help them to find,
17 you know, housing, help them to establish themselves for
18 going back to school, job readiness, any of those things.
19 We don't get funding for that.

20 THE COMMISSIONER: Who is us?

21 THE WITNESS: The Metis. Our Metis agencies.

22 THE COMMISSIONER: The -- oh, the agency itself?

23 THE WITNESS: Yeah. And we don't get funding for
24 that, that, that is something that we have struggled with,
25 we have tried to develop a lot of these things on our own

1 and currently we keep that program going through funding
2 from the Manitoba Metis Federation and we are so over --
3 like backed up, backlogged on it, with people, young people
4 waiting to get into that program and be serviced.

5

6 BY MS. WALSH:

7 Q Well, and in terms of providing services for
8 those youths, such as housing, that would be something that
9 would be beyond the strict control of your agencies?

10 A It is and I see that as being an area that I
11 think partnering, you know, really having some really
12 strong partnerships between the Department of Family
13 Services and Housing is critical. We have such a shortage
14 of housing for our young people leaving the child welfare
15 system and believe me, it's a challenge to try and find
16 them adequate housing.

17 Number one, you know, limited income; number two,
18 they're youth, how many places want to, want to, you know,
19 rent their facilities, their properties, to youth? So
20 we've been trying to establish housing facilities,
21 ourselves, with our own funds, to try to set up a program
22 that they can live independently but yet have someone there
23 on site that can help them and support them till they're
24 feeling, surefooted, that they're feeling that they have
25 the capacity to be able to go out there.

1 But again, you know what, those, those programs
2 cost money and that's not something that we get funded --

3 Q You don't have a budget line in your agencies for
4 that?

5 A Absolutely. But yet there's such a serious need,
6 particularly in some of our remote communities. There's no
7 housing available for youths. Youths. There is no housing
8 available for youth and there is nothing -- I mean, what,
9 what are we going to do with these kids? We can't sever
10 them from their communities but yet people don't really
11 necessarily want to support renting to youth.

12 So it's always an ongoing struggle but that's one
13 of the reasons why they need that support beyond. And in
14 Ontario, I know that they looked at legislative changes for
15 supporting a lot of their, their children beyond the age of
16 21 in certain circumstances, if they need that additional
17 support particularly for education, they're looking at
18 trying to do legislative changes, I don't know if that
19 already occurred, up to the age of 25 which is what we, we
20 recommended.

21 Q In terms of education --

22 THE COMMISSIONER: You recommended it --
23 legislation for that?

24 THE WITNESS: Yes, we recommended there and
25 recommendation number five, that the Department of Family

1 Services and Housing extend the maximum age of eligibility
2 for extended care and maintenance from 21 to 25.

3 We had indicated, at that point in time, to
4 enable them to achieve higher education and to develop work
5 skills but I think it goes beyond that because we have
6 youth population, many of whom fall into a category where
7 they may have, from, from various circumstances, there may
8 have been trauma that dwarfed their full development. They
9 may have cognitive delays for various reasons. And yet
10 they don't qualify for adult assisted services. So they
11 are the more vulnerable, they just teeter there and unless
12 we've got a full support network and a circle of care
13 around them, when they leave the child welfare system, even
14 at age 25, they're going to falter, we have to work really,
15 really hard with them.

16 So, I mean, and I know as a foster parent I have
17 many of my adult foster children come back to me and
18 they're like way beyond that age. So they still come
19 whenever they have to couch surf, it's my house, so --

20 THE COMMISSIONER: We'll, we'll be --

21 THE WITNESS: -- I understand this.

22 THE COMMISSIONER: -- we'll be finding out next
23 week what's, what's happened to that recommendation.

24 THE WITNESS: Okay. Great.

25

1 BY MS. WALSH:

2 Q Certainly, I think in your report --

3 A Thank you.

4 Q -- you talk about, about the -- generally the
5 supports that children need if they have a more advantaged
6 socio-economic status that you recognize that, that that is
7 something that is missing from a child who is aging out of
8 the system in terms of, just as you say, being able to, to
9 come back home, even at the age of 25, to have a home to
10 come to.

11 A Well, and I have to say that I mean you know, you
12 know until we started to change our way of thinking and our
13 way of servicing these young people and again, you know,
14 I'll put a plug in for our agencies because our Metis
15 agencies have done a lot of work in helping with the
16 identity of our young people. We have, we have a program
17 within our agency, our Metis agency, that helps them
18 develop their lifelong connections and when that worker is
19 assigned to work with them it helps them to know who they
20 are, what communities they came from, links them with
21 extended family, all of those things in a safe way but
22 helps them to walk away from our agency at the end of the
23 day with pride about who they are.

24 For a lot of our kids in the past, being a child
25 in care and coming from the child welfare system was not

1 something you were proud of.

2 Q Right.

3 A And by that time you were already severed from
4 your relationships with your family and your community in a
5 big way. So having a network of people around them, to
6 celebrate them and tell them that they're important is
7 absolutely critical.

8 THE COMMISSIONER: And does that agency operate
9 only in Winnipeg or beyond?

10 THE WITNESS: We have rural jurisdiction as well.

11

12 BY MS. WALSH:

13 Q And very briefly, in terms of the types of
14 education supports that youth require as they age out of
15 care, what kind of supports and resources are, are needed?

16 A Well, I think that we've, we've certainly come to
17 see that a lot of our, our children in care struggle
18 academically. I know that there is some good research that
19 is going to be occurring over the next little while and has
20 been in the past, that talk about outcomes for children in
21 care and when you look at the multitude of, of, you know,
22 occurrences that, that these children face, whether it's
23 been from the trauma they have experienced within their own
24 family, whether it's been placement breakdown in foster
25 homes, changes of schools, changes in work, there's so many

1 things are about change in these kid's lives but not always
2 in a positive way. They're always a setback, they're a
3 setback for these young people and so educationally they
4 struggle, they need that additional support.

5 So if we can get them, if we can get them to a
6 place where they are supported and it goes beyond sometimes
7 the age of 18 and if we can even get them so that they are
8 graduating, let alone going into post-secondary education,
9 and not to say that's not an important piece, but for many
10 of them just to graduate is, is going to be a huge
11 celebration for them and we need to ensure that because
12 that's the tools that they're going to need to survive out
13 there.

14 We don't want them to be dependent on another
15 system but yet we want to have the supports available and
16 that's why we're pleased to see what's happening with the
17 post-secondary institutions like the universities and the
18 colleges that are offering the, the tuition bursaries
19 because they, they now have come to recognize that it's not
20 just about the money, these are a population of young
21 people that are going to require additional supports to see
22 success.

23 Q Yes. Thank you.

24 A Thank you.

25 Q So finally, and I'll just be very brief, Mr.

1 Commissioner, and then I think that I can finish my
2 examination of this witness, this afternoon. We'll look
3 at, at the report entitled Honouring Their Spirits. And I
4 think we, we have gone into some detail about, about the
5 nature of death reviews that your office was doing.

6 This particular report covered such areas as
7 homicide, risk of safety assessments, issues of aging out
8 of care, drug awareness and treatment, cultural awareness,
9 communicating with collateral agencies, training,
10 compliance with standards, supports after the death of a
11 child. It was a, fair to say, a fairly comprehensive
12 review of the various aspects surrounding the death of a
13 child who is receiving care.

14 A Yes.

15 Q Would that be a fair description?

16 A Yes. I'm sorry, you said you're talking about
17 Honouring Their Spirits?

18 Q Yes.

19 A Yes.

20 Q Yes. And the report looked not only, as we
21 discussed earlier today, not only at the child welfare
22 services that these children received but also services
23 offered in the community to support families and I think
24 that, that you discussed with us why that's important.

25 A And if I can just quickly comment on that.

1 Q Sure.

2 A I mean, one of the things that became apparent to
3 us was that there were safety concerns raised in the
4 community when we spoke with collaterals but nobody
5 communicated that well. You know, there may have been
6 suicidal ideations exhibited by a youth in a, in a
7 community and maybe the nursing station may have seen that,
8 that child, that youth already, for depression, and saw
9 that they had been slashing or whatever, that didn't get
10 communicated to the child welfare system.

11 The school may have seen behaviours, that didn't
12 get communicated and so it was just, you know, an obvious
13 breakdown of communication that we felt, you know, we
14 really need to look at that insofar as what's everybody's
15 responsibility for this child.

16 Q Thank you. If we turn to page 507 of our
17 disclosure, or page 87 of the report, itself.

18 You talk there about communicating with
19 collateral agencies and I think that's -- that must be what
20 you've, what you've just described to us, the importance
21 of, of that.

22 A Yes.

23 Q And then because, of course, this inquiry is
24 dealing with a homicide, if you go to page 477 of our
25 disclosure or page 57 of the actual report.

1 You indicate here that:

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"One of the most distressing group of deaths in this study are the babies, children and youth who died of homicide. These deaths often receive a great deal of public attention and are among the most troubling for the child welfare system. This study examined a total of 18 of homicides of children and youth that occurred between January 2003 and March 2006. Among the homicides in this study, the majority of children and youth died of physical beatings, while firearm deaths claimed the lives of three youth. Among children and youth who died of homicides, about 60% were over the age of 13, with a smaller group under the age of 5. About 80% of the children who died of homicide were Aboriginal and about 20% were children and youth from Northern

1 communities."

2

3 Then you go on, if we scroll down the page,
4 please, you say:

5

6 "With respect to the manner of
7 death, children under four were
8 most likely to be killed by their
9 caregiver. In most cases, this
10 was the parent or step-parent and,
11 in one instance, the child died in
12 a relative foster home placement.
13 In contrast, the older children
14 were generally killed by people
15 outside of the family."

16

17 And you say that:

18

19 "This pattern has also been noted
20 in national statistics of
21 homicides of children and youth."

22

23 And the footnote to that page indicates that. If we just
24 scroll down to the very bottom of the page, please.

25

1 "A number of research studies have
2 pointed to the vulnerability of
3 preschool children to fatal
4 injuries and death by their
5 parents."

6

7 And, of course, you've already talked to us about
8 the particular vulnerability of pre-school children and the
9 reasons why that is the case.

10 A Absolutely.

11 Q So this is something that, that your report
12 certainly identified.

13 A Well, it was, you know, it was looking at their
14 vulnerability and the fact that they were isolated and
15 non-verbal but it was also recognizing that that's, that
16 that's a period and, and time in a child's life where if
17 the parents don't have the capacity or if they're facing so
18 many other limitations, or barriers, that that's a time
19 where they are most likely to lose it.

20 Q Your report covers such issues as gang
21 involvement and you talk about cultural awareness and if we
22 just go to the conclusions at page 528 of the disclosure.
23 It's page 108 of the actual report.

24 Scrolling down to the bottom of that page,
25 please. You say that:

1 "In reviewing the ages of children
2 in this study, children under five
3 were more likely to have died in
4 their home, while children over 12
5 were more likely to have died as a
6 result of their activities in the
7 community. This study recommends
8 that the system needs to be more
9 consistent in the use of 'risk
10 estimation' measures when
11 developing case plans for children
12 under the age of five,
13 particularly before placement
14 decisions are made."

15

16 Then on the next page, which is the last page of
17 the report, you indicate that:

18

19 "... the ... Team believes that
20 increases to prevention funding,
21 which specifically targets 'at
22 risk' youth and adolescents, will
23 result in a reduction of
24 adolescent accidents, homicides
25 and suicides (and that) these

1 recommendations are in keeping
2 with what is known about the
3 importance of developing a
4 'healthy community' approach for
5 children and families."

6

7 And so --

8 A Yes.

9 Q -- again that brings you back to the community
10 and to prevention.

11 A Absolutely.

12 Q Anything else you want to tell us about, about
13 this report or any of the other reports that you were
14 involved in, following the discovery of Phoenix's death?

15 A I am sure there is much I would like to tell you.
16 Nothing that's coming to the top of my head right now.

17 Q Do you know what the status is of the
18 implementation of the recommendations that are in Honouring
19 Their Spirits?

20 A No, I can't speak to it system-wide. I can, you
21 know, just speak to what's happening with our agencies
22 under, under my authority and I know that as far as, you
23 know, working on the -- on risk assessments and so forth, I
24 think that as, as CEOs in the province we're still
25 exploring what is the best fit for each of our authorities

1 but I know that we're working in an area with risk
2 assessment through structured decision making which is --
3 has been, I think, a really good risk assessment tool for
4 us and allows you and a -- well, you need to continue to do
5 that assessment, that it isn't a snapshot in time and, and
6 then an assurance that things are safe, we have also -- you
7 know, and I think one of the things I found from my report
8 is that child welfare services isn't a one size fits all,
9 you know, there are standards, there is core competency
10 training, there's so many things to educate you, to give
11 you the basic knowledge around development and family
12 dynamics and so forth but I think one of the best things
13 that you also need to rely on is good common sense and, you
14 know, I -- as I indicated in one of my annual reports,
15 always assess at the end of the day as, as a worker within
16 the system, as a service provider, do I feel confident with
17 the work that I did today and would I feel confident having
18 received services from the system that I work for and, you
19 know, let's hope that your answer is yes to both those;
20 right?

21 MS. WALSH: Thank you.

22 THE WITNESS: Thank you.

23 MS. WALSH: Those are my questions, Mr.
24 Commissioner.

25 THE COMMISSIONER: All right. Witness, you're

1 going to have to be back on Monday morning at 9:30 and some
2 of the other lawyers will have questions to put to you.

3 THE WITNESS: Okay.

4 THE COMMISSIONER: So I thank you for today and
5 we'll see you on Monday morning. You can leave your chair
6 at any time.

7 THE WITNESS: Thank you.

8

9 (WITNESS EXCUSED)

10

11 THE COMMISSIONER: Now, then also on Monday that
12 the rest of the day, hopefully cross-examination will be
13 done at or prior to mid-morning break, we'll see, and the
14 rest of the day then is the Assembly of Manitoba Chiefs and
15 the Southern Chiefs Organization, one witness, I gather?

16 MS. WALSH: Yes.

17 THE COMMISSIONER: Yes. And then the next couple
18 of days are given over to the Southern Authority and ANCR.
19 So I just caution again that, that remember you've got to
20 leave some time for cross-examination so that everyone gets
21 the, the opportunity but that's, that's clear for what
22 we're doing next week and we'll, we'll stand adjourned now,
23 unless there's anything else, until 9:30 on Monday morning.
24 And --

25 MS. WALSH: Thank you.

1 THE COMMISSIONER: -- so that adjournment is
2 now,I've got a lot of files to re-arrange here so I'll be
3 doing that.

4 Thank you.

5 MS. WALSH: Thank you.

6

7 (PROCEEDINGS ADJOURNED TO APRIL 29, 2013)