



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 Eton Hall, Mezzanine Floor, Marlborough Hotel,
331 Smith Street, Winnipeg, Manitoba

MONDAY, MAY 13, 2013

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MR. J. FUNKE, for Assembly of Manitoba Chiefs and Southern Chiefs Organization Inc.

MS. B. BOWLEY, for Witness, Ms. Diva Faria

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1 MAY 13, 2013

2 PROCEEDINGS CONTINUED FROM MAY 9, 2013

3

4 THE CLERK: All right. We're now on the --

5 THE COMMISSIONER: Yes.

6 THE CLERK: -- record. This court's now open.

7 THE COMMISSIONER: All right.

8 MR. FUNKE: Good morning, Mr. Commissioner.

9 THE COMMISSIONER: Mr. Funke.

10 MR. FUNKE: As you will recall, we ended the day,
11 on Thursday, after I rose and objected to the evidence that
12 was being adduced from the witness, with respect to
13 historical figures, that pertained to funding previously
14 provided by the province, for CFS services in the province.
15 I've had an opportunity to speak to my learned friend and
16 to Commission counsel about the matter and consider it over
17 the weekend and I'm prepared to withdraw my objection at
18 this point, on the understanding that should the witness go
19 further into the historical information, either in direct,
20 or in cross-examination, that I may seek to have a witness
21 recalled, that is Ms. Cheryl Freeman, based on the
22 province's objection to my examining her on historical
23 funding data. I'm not indicating that it's my intention to
24 do so at this time. I'll wait and make that determination

1 after we have the evidence of the witness. But I'm going
2 to withdraw my objection, on that understanding, that I may
3 seek permission from the Commission to recall that witness.

4 THE COMMISSIONER: Well, you, you can certainly
5 seek permission, whether it'll be granted will depend on
6 what's said at that time.

7 MR. FUNKE: Absolutely. And I'm not asking you,
8 Mr. Commissioner, to, to forecast your ruling in that
9 regarding, I'm just --

10 THE COMMISSIONER: No.

11 MR. FUNKE: -- indicating that that's the basis
12 upon which I'm taking that decision.

13 THE COMMISSIONER: Right.

14 MR. FUNKE: One other matter of housekeeping,
15 before we proceed, is that when Ms. Cheryl Freeman
16 testified, the digital disclosure that was provided to the
17 Commission included tab 101 of our materials. But for some
18 reason, the hard copy format did not include it. So I've
19 provide Commission counsel with a copy of that information
20 and we'd seek the permission of you, Mr. Commissioner, at
21 this time, to file that material, so that it can supplement
22 the exhibit that was previously provided to the Commission
23 under Exhibit number 60.

24 THE COMMISSIONER: All right. See that gets in
25 the right place.

1 MR. FUNKE: Thank you, Mr. Commissioner.

2 THE CLERK: (Inaudible).

3 THE COMMISSIONER: Yeah, that's fine.

4 All right. Mr. McKinnon?

5 MR. MCKINNON: Thank you, Mr. Commissioner. I'm
6 continuing with the direct examination of Carolyn Loepky.

7

8 **CAROLYN JANE LOEPPKY**, previously
9 affirmed, testified as follows

10

11 DIRECT EXAMINATION CONTINUED BY MR. MCKINNON:

12 Q Ms. Loepky, could you describe to the
13 Commissioner how funding, from Indian and Northern Affairs
14 Canada, how that funding to First Nations children with
15 treaty status who were ordinarily resident on reserve, how
16 that worked prior to the introduction of the new funding
17 model? And we don't need the full history, but just, in
18 terms of the -- and I'm not even really, really asking for
19 the numbers, just the funding arrangement.

20 A The funding arrangement was with each of the
21 First Nations agencies and dollars that were calculated
22 through the funding arrangement or formula that the Federal
23 Government had would flow directly to First Nations
24 agencies.

25 Q Okay. And, and we're talking, at that point,

1 we're talking about before the introduction of the
2 Authorities Act and the concept of concurrent jurisdiction;
3 is that correct?

4 A Yes, that is correct.

5 Q After the introduction of the Authorities Act and
6 the creation of concurrent jurisdiction, where aboriginal
7 agencies had jurisdiction on reserve and off reserve,
8 again, without getting into the numbers, what was the
9 funding arrangements between Canada and the First Nations
10 agencies and Manitoba and the aboriginal agencies?

11 A The funding that was developed as the revenue for
12 First, First Nations agencies, through the new funding
13 model, continued to flow from the Federal Government,
14 through to the agencies.

15 Q Okay. So that there was continuing funding by
16 Canada to the First Nation agencies and they would fund
17 only for the, what I'm going to call, Federal children,
18 which would be children living on reserve with aboriginal
19 status?

20 A Yes.

21 Q And what funding then came -- again, without
22 giving us numbers, what funding came from the province and
23 how did that funding work with respect to aboriginal
24 agencies, once there was the establishment of concurrent
25 jurisdiction?

1 A Based on the calculations of the new funding
2 model, the province would --

3 Q If I could talk before the new funding model,
4 because the new funding model was about --

5 A Sorry.

6 Q -- 2010. So there's an interim period where
7 there's concurrent jurisdiction, before the creation of the
8 new funding model. What was the process by which the
9 Province Government funded aboriginal agencies?

10 A For the agencies, the funding that was allocated,
11 and this would have been primarily derived from the
12 resource transfer tables, in any additions to that, due to,
13 for example, increases in the costs for salaries would flow
14 to the authorities and the authorities had the
15 responsibility to distribute it to the agencies.

16 Q And when you talk about the resource transfer
17 tables and I know that's a very complicated issue, but in
18 very simple language, could you explain to the Commissioner
19 what that was and how that affected funding from the
20 Province to aboriginal agencies for what we'll call
21 provincial children?

22 A The resources that would have been attached to
23 those cases or files that were transferred would have also
24 transferred to the First Nations agencies and to the Métis
25 agency.

1 Q So that when devolution came into fruition, came
2 to reality, as the cases were transferred to the aboriginal
3 agencies, proportionate amounts of funding and other
4 resources were transferred to the aboriginal --

5 A That's correct.

6 Q -- agencies from Manitoba?

7 A Yes.

8 Q Okay. And that was the situation until the
9 creation of the new funding model?

10 A Yes.

11 Q And let's talk about the creation of the new
12 funding model. Firstly, if you could identify it, it's at
13 Commissioner disclosure 1103.

14 And it's, Mr. Commissioner, it is also at tab 6
15 of the binder which is now Exhibit 64.

16 THE COMMISSIONER: Yes, I have it.

17

18 BY MR. MCKINNON:

19 Q Now, Ms. Loepky, this is a very lengthy
20 document. It's a hundred and seven pages. So obviously we
21 can't go through every detail of the funding model. But if
22 you could just, at a very simplistic level, tell, tell the
23 Commissioner how this funding model pertains to both
24 aboriginal and non-aboriginal agencies, as well as
25 authorities?

1 A The, the funding model describes how revenue is
2 calculated, both by the Federal Government and the
3 Provincial Government --

4 THE COMMISSIONER: What do you, what do you mean
5 by revenue?

6 THE WITNESS: It would be the money that would be
7 allocated to the agencies, for the work that they have to
8 do. So it would be for their staffing dollars and their
9 operational dollars.

10 THE COMMISSIONER: Okay.

11

12 BY MR. MCKINNON:

13 Q So this is the, the fund of money that would be
14 available, for example, to hire protection workers, to hire
15 prevention workers, to hire a CEO, to, to operate the
16 agency?

17 A That's correct.

18 Q And sometimes, is that referred to as core
19 funding?

20 A There's core funding, yes.

21 Q And the core funding would be --

22 THE COMMISSIONER: Core funding and what else?

23 THE WITNESS: Core funding and then agency
24 service funding.

25

1 BY MR. MCKINNON:

2 Q Just, if we can make sure everybody's got the
3 same vocabulary, core funding would cover what kinds of
4 functions?

5 A The core executive funding is the way it's
6 referred to in the funding model, would be for those
7 positions that are essential to the operations of an
8 agency. For example, the executive director, the chief
9 financial officer, some of the payroll staff, the human
10 resources staff, as well as some of the positions that we
11 agreed were important, like a child abuse coordinator and a
12 quality assurance specialist.

13 Q Okay. And then the other funding that would go
14 to the actual hiring of social workers, what did you call
15 that?

16 A That would be agency service.

17 Q And could you please describe to the Commissioner
18 the discussions, or the consultations, or the negotiations,
19 or whatever word you want to use, that took place, leading
20 up to the signing of this new funding model, including
21 approximately when they happened and, and who was involved?

22 A The work for the development of the funding model
23 started during the period --

24 MR. FUNKE: Mr. Commissioner, it's Funke, once
25 again, for the monitor. Again, I just rise to object. We

1 attempted to adduce similar evidence through Cheryl
2 Freeman, who --

3 THE COMMISSIONER: I'll let you call your witness
4 back. So let's get on with this and get this done.

5

6 BY MR. MCKINNON:

7 Q Can you answer the question? I -- getting into
8 the, the, the, the consultation process, the negotiation
9 process and approximately when?

10 A The -- we started work on the funding model
11 between the years 2006 to 2009. We worked with the
12 authority CEOs, in developing an understanding of what they
13 thought would be important to have at an agency, in order
14 to do their work. We then also had a second process, with
15 the Federal Government, which included representatives from
16 MKIO (sic), from AMC, as well as agencies and the
17 authorities for First Nations.

18 Q An the first agency you said there, was
19 representatives of, was it MKO?

20 A Yes.

21 Q Okay. And that, just in, in case the
22 Commissioner doesn't understand the acronyms, I, I, don't
23 want the full name, but describe who that is?

24 A This would be the First Nations' advocacy or
25 political group for the northern First Nations.

1 Q Okay. And the other group that you mentioned?

2 A The Assembly of Manitoba Chiefs, and they were
3 representing the southern First Nations, in the development
4 of the funding model.

5 Once we had those two processes underway, there
6 were also many discussions with the Federal Government, and
7 the Provincial Government, around the development of a
8 memorandum of understanding between the funders and that
9 was the development of a five year agreement, in order to
10 implement the funding model.

11 Q Okay. And the current funding model, I
12 understand, is a five year agreement?

13 A That's correct.

14 Q And where are we in the five years? How far into
15 it are we?

16 A We would be beginning to do the renegotiation in
17 2014, in order to reestablish it for '15/16.

18 Q Okay. And, and in term of this five year
19 agreement, how many of the five years have, have -- are in
20 the past and how many are in the future?

21 A The funding model started in October of 2010.

22 Q Okay. And at clause H, and I'm on page 11 of
23 your summary of evidence, there's a reference to three
24 principles of the new funding model; could you just review
25 those for the Commissioner?

1 THE COMMISSIONER: In what exhibit is that --

2 MR. MCKINNON: This is Exhibit 63.

3 THE COMMISSIONER: At, at, at what page?

4 MR. MCKINNON: Page 11, at the bottom of the
5 page.

6

7 BY MR. MCKINNON:

8 Q And you're -- there, Ms. Loepky, you're
9 referencing the principles around which this new funding
10 model was framed. And if you could just take, take us
11 through those three principles?

12 A The first item that was identified as being
13 important was that the funding that would be allocated
14 would be:

15

16 "... equitable ... regardless of
17 [the] geographic location [whether
18 there was a] (on reserve or off
19 reserve) [funding, as well as
20 whether it would be] ... federal
21 or provincial [funding];"

22

23 Q The --

24 A The --

25 Q -- go ahead, second principle?

1 A -- the second principle was to identify:

2

3 "... adequate funding for
4 Authorities to meet their
5 mandate ..."

6

7 Q And if I can just stop you there for a minute,
8 what was the conclusion, in terms of funding for the
9 authorities? Who, who's responsible for that?

10 A The department or the Province funds the
11 authorities completely. So all of the resources to do
12 their work comes from the Provincial Government.

13 Q Okay. And the third principle is?

14 A The third one is to develop the, the new stream
15 of service, which was being referred to as family
16 enhancement.

17 Q Okay. And that's sometimes prevention is the
18 same --

19 A Correct.

20 Q -- term?

21 A Um-hum.

22 Q Okay. Now, we've heard evidence, at the inquiry,
23 about the 60-40 split. Can you just again, at a very high
24 level, explain to the Commissioner what that is, what it
25 pertains to and how it was derived?

1 A For the core executive positions, there was an
2 agreement, between the Federal and the Provincial
3 Government, that we would share the costs of those
4 positions. We looked historically, to determine what the
5 general split had been for Federal children and Provincial
6 children in care and it came to a 60-40 split generally.
7 So, for the period of the first five-year agreement, it was
8 determined that we would use that type of a calculation to
9 determine the money allocation that would go, that would
10 flow from each of the governments for the core executive.

11 Q And, and who's the 60 and who's the 40?

12 A The 60 is the Province and the 40 is the Federal
13 Government.

14 Q So, in terms of the core of the funding for
15 agencies, at, at the risk of oversimplification, let me put
16 this it way and, and ask you if I've got it right, rather
17 than quibble, from agency to agency, over what percentage
18 is, is Federal and what percentage is Provincial, Manitoba
19 and Canada said, if we look at the whole province, it's
20 60-40, so we'll fund all the agencies that are providing
21 service on and off reserve on a 60-40 split?

22 A That's correct.

23 Q And just so the Commissioner's clear, for
24 agencies in the Métis Authority, who funds those?

25 A The Métis and the General Authority are funded

1 100 percent by the Provincial Government.

2 Q Okay. So this evidence we're, in terms of the
3 60-40 split, would pertain only to the Northern Authority
4 and the Southern Authority?

5 A Correct.

6 Q And in terms of the authorities, you've given
7 some evidence earlier about the increased positions that
8 were provided to the Authorities through Changes for
9 Children; where are the authorities at now, in terms of
10 their size and ability to fulfill their mandate, in your
11 view?

12 A The Province funds approximately 98 positions
13 that are distributed between the four authorities and each
14 of the authorities has the essential positions of CEO,
15 chief financial officer, quality assurance positions and
16 then some specialty positions that have been added
17 throughout the last number of years.

18 Q And if we compare that to where they were, in
19 2006, can you give us some sense of the improvement since
20 the -- because I know there was a number of recommendations
21 in the reports about funding the, the authorities to meet
22 their mandate. Can you give us some sense of the change?

23 A There were approximately 28 positions between the
24 four authorities, in 2006.

25 Q Okay.

1 A So the increase has been from 28 to about 98
2 funded positions.

3 Q Now, we've -- when we're talking about the 60-40
4 split in funding for aboriginal agencies, we're talking
5 about core. I'm now going to ask you speak a little bit
6 about the agency services, which is social work services.
7 Can you explain how the funding model determines the
8 resources that are allocated to that?

9 A So generally speaking, the Federal Government
10 uses an approach that is based on a number of assumptions,
11 based on overall population of children zero to 18, living
12 on reserve and they identify a certain percentage of those
13 children that they believe will have contact with child
14 welfare and then calculate a, an amount of money based on
15 that. So it's an assumption model.

16 Q So the Federal portion of the funding model, when
17 it comes to agency services, is based upon population?

18 A Yes.

19 Q Okay. And the Provincial?

20 A Is based on actual counts of children and it
21 would be from the year before.

22 Q Okay. And you heard -- you were here when Ms.
23 Elsie Flette gave evidence about the difference between the
24 way the Province funds and the Federal Government funds and
25 I don't want you to repeat that evidence, but you were

1 here, do you have anything to add to that? Or did she
2 adequately describe it?

3 A I, I believe that she adequately described the
4 differences.

5 Q Now, referring to commission disclosure 1103,
6 which is the funding model at tab 6 of Exhibit 64, there's
7 a table at page 23516.

8 Table 4, Mr. Commissioner, it's page 9 of the
9 actual report.

10 This is the funding for authorities?

11 A Yes, it is.

12 Q And this is the approximate 98 positions that you
13 were just speaking about?

14 A Yes.

15 Q And in terms of the -- you, you gave
16 illustrations of some of the positions that were recovered;
17 referring to table 4, are there any other positions, core
18 positions in the agency, or in the authority funding model
19 that you want to bring to the attention of the
20 Commissioner?

21 A I think the only other one would be the
22 differential response specialist, because this was a
23 position important to the development of prevention or
24 family enhancement programming.

25 Q And when we talk -- and, and there's been some

1 confusion, I think, in the evidence, but when we talk about
2 differential response and family enhancement, some people
3 are using those terms interchangeably. Differential
4 response means that it's, it's essentially a streaming
5 approach?

6 A Yes.

7 Q And one of the responses is prevention, which is
8 called family enhancement?

9 A Yes.

10 Q And the other response would be the traditional
11 protection services?

12 A Correct.

13 Q So when we're funding for differential response,
14 what, what is the purpose of that funding?

15 A The prevention or family enhancement funding that
16 both the Federal Government and the Provincial Government
17 identified as a priority are to support families in keeping
18 their children at home and to try to reduce the recurrence
19 of contact with child welfare.

20 Q Okay. And I'm going to come to some statistics
21 on that near the end of your evidence.

22 If I can take you to the tables 8, 9 and 10,
23 that's at pages 13 and 14 of the report, this is -- am I
24 correct in saying this is core funding?

25 A This would be core funding for an agency, yes.

1 Q And the difference between 8, 9 and 10 is what?

2 A Each of the agencies was categorized as a small,
3 medium or large agency and the funding for each of them, in
4 terms of types of positions, is the same; however, in terms
5 of the quantity of positions, changes if you are a medium
6 or large agency.

7 Q And if I can get you to look at the next -- it's
8 pages 15, 16 and 17, Mr. Commissioner, if you could look at
9 those tables, that's, again core funding.

10 What kind of funding is outlined there?

11 A This would be some of the funding for the
12 operations of an agency. For example, resources for the
13 board to meet, for the agency to conduct their financial
14 audits, for them to have their insurance and some corporate
15 legal expenses paid for.

16 Q Okay. Now, there -- this -- according to my
17 notes, one of these tables covers some funding for
18 training? Table 13 is some funding for training; correct?

19 A That's correct.

20 Q And again, just so the Commissioner is clear, in
21 addition to funding agencies for training, what other --
22 and, and we'll be dealing with it some length later, but
23 just at a very high level, what other training is
24 available, in addition to agency training?

25 A For -- the Province provides funding for what is

1 referred to as a joint training unit. This allows for each
2 of the authorities to have a training coordinator, as well
3 as some resources for the carrying out the training events.
4 In addition to that, the Province provides training for
5 core competency based training that has been referred to by
6 other witnesses, as well as CFSIS training and training for
7 the intake module.

8 Q Okay. And so, in a, in a nutshell, there's,
9 there's training now being funded by the province, under
10 the funding model, to agencies?

11 A Yes.

12 Q There's training being funded to authorities and
13 there's training being provided by the Province?

14 A Yes.

15 Q Okay. And we'll hear a lot more about that, Mr.
16 Commissioner, from further witnesses.

17 Now, could you tell us about the funding model
18 and the concept of a business plan? What, what does the
19 funding model do about a business plan?

20 A In the discussions that we had with the
21 authorities, agencies and the two levels of government, one
22 of the processes that we agreed to was that each agency
23 would develop a formal business plan for five years and it
24 would project the activity that they would be engaged in,
25 with respect to the development of their service model, or

1 any other priorities that they would have. It would also
2 begin to identify how each of the agencies would be looking
3 at how well that they were doing with the objectives or
4 goals that they had set.

5 Q Okay. And you heard Ms. Flette speak about her
6 view as to whether it was beneficial or not to have these
7 five year business plans. What's your view, as deputy
8 minister? Assistant deputy minister, sorry.

9 A I believe that in any large organization there is
10 a, a, a requirement to do good planning, to be reflective
11 when you're moving forward as the leadership or executive
12 of an agency, to be able to take stock with respect to what
13 you said you were going to be doing and then what you were
14 able to accomplish. So I believe that it is a, a strong
15 framework to an agency and allows the senior staff and all
16 of the staff of the agency to work towards some common
17 outcomes and goals.

18 Q Okay. And I'm going to ask you to explain to the
19 Commissioner how the new funding model deals with issues of
20 accountability and you, you might want to refer to page 13
21 of your summary of evidence, which is Exhibit 63, paragraph
22 (p), right in the middle of that page, you list three
23 points there, if it helps refresh your memory.

24 Just to comment to the Commissioner on the issue
25 of accountability.

1 A First, in terms of looking at accountability,
2 each of the authorities does have, as part of its mandate,
3 the responsibility for the oversight of --

4 UNIDENTIFIED PERSON: (Inaudible).

5 THE WITNESS: I think he's looking at page 13.

6 THE COMMISSIONER: Exhibit 63, page what?

7 MR. MCKINNON: Thirteen.

8 THE WITNESS: Sorry. It provides each of the
9 authorities for the responsibility for the oversight of the
10 agencies and for ensuring that the mandate that they've
11 given to the agency is being carried out.

12

13 BY MR. MCKINNON:

14 Q And that would be conducting reviews of their
15 agencies?

16 A That would be conducting reviews of their
17 agencies, engaging in activities that would identify
18 compliance for a variety of different items that they may
19 have identified and also to conduct financial reviews of
20 the agencies.

21 Q Okay. The second point you make?

22 A Is that the Province has contribution agreements
23 with each of the Authorities. And the contribution
24 agreement spells out the requirements for financial
25 reporting and for any other reporting that the Province

1 deems to be important, based on sound financial accounting
2 principles.

3 Q And we've heard some discussion about the
4 existence of agreements between the department and the
5 authorities. What's the current status of that?

6 A Those agreements all have an extension clause
7 that is built into the agreement. We are currently in the
8 process of renegotiating the contribution agreement. It's
9 a standard contribution agreement, for all of the four
10 authorities. And the agreement would now take into account
11 the new funding model as part of the conditions in the
12 agreement.

13 Q Okay. And when you say it takes into account the
14 new funding model, what are you referring to, in
15 particular?

16 A It would outline the funding resources that have
17 been allocated as a result of the funding model.

18 Q And so the contribution agreement essentially
19 states the expectations of the Province from the, the, the,
20 the, that they expect of the authorities?

21 A Yes.

22 Q And I'm just going to take you off this for one
23 minute. What about the authorities and their agreements
24 with agencies? What do you expect to see in that respect?

25 A The expectation that we have is that for each of

1 the agencies that an authority has, a service purchase
2 agreement is developed between the authority and the
3 agency, again, with an understanding of what the funding is
4 that they are getting and what the expectations of service
5 are, as a result of that.

6 Q So there's agreements between the Province and
7 the authorities and then the authorities have agreements
8 with the agencies?

9 A That's the expectation.

10 Q Then I'll take you back to the third
11 accountability requirement on page 13.

12 A And this one has to do with the responsibilities
13 of the department with the authorities and the oversight
14 that the department has with respect to the work done by
15 the authority. So we have some responsibilities to do
16 quality assurance reviews of the authorities.

17 Q Okay. And have any of those been done? Or are
18 they in process?

19 A They are in process. For two of the authorities,
20 we are close to finalizing financial reviews that have been
21 done by our internal audit financial group.

22 Q Okay. And can you talk then about the funding
23 model and the requirements that it imposes on agencies with
24 respect to the use of CFSIS?

25 A One of the features of the new model that we have

1 incorporated was that in order to calculate the active
2 cases, CFSIS would be used to determine an active case.
3 And there's a definition that has been used in order to
4 show that a case is being worked with and that it's
5 actually a case that isn't pending closure, or doesn't have
6 its -- or is waiting for administrative work to be done.

7 So in terms of looking at the, the funding model,
8 the requirement for agencies to use CFSIS is heightened, in
9 order to do the calculations for the funding model.

10 Q And do you think this is a good thing or a bad
11 thing?

12 A Well, I personally think it's a good thing. I
13 think the use of a business information system is very
14 important for the safety of children and to ensure that the
15 system has the right kinds of information that can be used
16 to do good case planning for a child or for a family.

17 Q Now, the next document I'd like you identify and
18 mark as an exhibit, Mr. Commissioner, is a document
19 entitled: Funding to Child and Family Services
20 Authorities/Agencies. It's the fourth document on the, the
21 department's documents that would have been provided to
22 Commission staff a couple of weeks ago.

23 THE COMMISSIONER: So that'll be Exhibit 60 what?

24 THE CLERK: (Inaudible).

25 THE COMMISSIONER: Fifty -- 66?

1 THE CLERK: We're at 71.

2 THE COMMISSIONER: We're at 71 now, are we?

3 THE CLERK: Seventy-one.

4

5 **EXHIBIT 71: FUNDING TO CFS**

6 **AUTHORITIES/AGENCIES**

7

8 THE COMMISSIONER: Oh yes, I see -- yeah, we
9 marked Exhibit 70 just before we broke the other afternoon.

10 THE CLERK: That's correct.

11 THE COMMISSIONER: Yeah, yeah. Thank you.

12

13 BY MR. MCKINNON:

14 Q Now, this document that we've just marked as
15 Exhibit 71, do you have a copy in front of you?

16 A I do, thank you.

17 Q And could you tell us what this document is?

18 A This is an outline that provides information
19 about the funding that was allocated to the, each of the
20 authorities in 2010 and '11, prior to the new funding
21 model. And then it demonstrates, in '13/14, what each of
22 the authorities received for funding. Then, in the bottom
23 part of the page, there is an articulation for each of the
24 agencies as to where they were prior to the start of the
25 funding model and post-funding model.

1 Q Now, for the record, this document only deals
2 with provincial funding?

3 A That's correct.

4 MR. MCKINNON: Oh, can you find it in the --

5 THE CLERK: I, I can't.

6 MR. MCKINNON: It will be with the other four,
7 three or four documents that you brought up on Friday.

8 THE CLERK: I got it.

9 MR. MCKINNON: That's it.

10

11 BY MR. MCKINNON:

12 Q Sorry, you were talking, the, the box at the top
13 is the overall funding to the authorities and the box below
14 that is what?

15 A It describes what each of the agencies would have
16 been receiving as part of the provincial funding that was
17 generated from the new funding model.

18 Q Okay. And I want to be as accurate as I can
19 about this. The -- if we go from 2010 to 2014, some of
20 that would be a change related to the funding model itself
21 and some of it may be a change related to the number of
22 children. In other words, if the number of children was
23 increasing, the funding would increase as well; correct?

24 A That's correct.

25 Q So keeping that caveat in mind, just in -- can

1 you give us some sense as to what additional funding came
2 from the provincial side of this funding model before and
3 after the introduction of the new model? The, the, the,
4 the global increase?

5 A Well, the, the global increase for the province
6 and its distribution of resources to the agencies and the
7 authorities, as you can see, from 2010/11, prior to the
8 implementation of the new funding model, was approximately
9 45.2 percent overall. So if you go down to the individual
10 agencies, you will see that all of the agencies and the
11 four authorities, the funding is identified and each of the
12 agencies' increase of funding pre-funding model to post-
13 funding model is shown in the furthest right hand column.
14 So, for example, for provincial funding, for Awasis Agency,
15 started at approximately 2.7 million in '10/11, which was
16 prior to the funding model and post-funding model, it would
17 receive, from the Province, approximately 3.5 for the
18 '13/14 fiscal year, which is an increase of about 27.1
19 percent.

20 Q Okay. Now, which one was that again?

21 A That was Awasis, as an example.

22 Q Okay. And if we take the Northern Authority as a
23 whole, for example, the first box, the, on the -- or the
24 first cell on the second chart, what was the overall
25 increase to the Northern Authority?

1 A The overall increase was from 13.8 million to
2 26.1 million, an increase of about 89.3 percent.

3 Q Okay. I'm going to take you to another topic now
4 and I want to talk to you about statistics and keeping
5 children safe at home. We've already heard evidence at
6 this inquiry about the increase in the number of children
7 in care in Manitoba and I've asked you to prepare another
8 chart that also talks about the increase of children being
9 kept safe at home. And you've prepared a document for me?

10 A Yes, I did.

11 MR. MCKINNON: And that is the next document,
12 wherever you found that chart, Madam Clerk, it should be
13 the next one.

14 THE CLERK: Is that it?

15 MR. MCKINNON: It's not structured decision
16 making, no. It's a comparison of increases of children in
17 care and children safe at home. It's the, looks like it's
18 the third one there. That's it.

19 THE COMMISSIONER: Exhibit 72.

20 THE CLERK: Exhibit 72.

21

22 **EXHIBIT 72: COMPARISON OF**
23 **INCREASES OF CHILDREN IN CARE AND**
24 **CHILDREN SAFE AT HOME**

25

1 BY MR. MCKINNON:

2 Q And this exhibit, this statistical summary, if
3 you look at the bottom left hand corner, March 31st, 2012,
4 I understand that's the last year for which the statistics
5 are currently available?

6 A Correct.

7 Q And even though it is past March of 2013, I
8 understand it takes some time to finalize all these
9 statistics?

10 A It does.

11 Q So this is the most recent statistics and you --
12 the CIC is children in care?

13 A Yes.

14 Q So, and this number, 9,730, is the number of
15 children in care, in Manitoba, at that date?

16 A Yes.

17 Q And it's a fixed point in time?

18 A Correct.

19 Q And just the next two charts, or the next two
20 boxes on this chart, could you tell the Commissioner what
21 they are?

22 A They middle column, referred to as family cases,
23 includes a count, again, on that date, of families that are
24 being served by agencies and they would include a voluntary
25 family services, protection, family protection cases and

1 family enhancement cases.

2 Q And if, if we can compare the two numbers at the
3 bottom, what -- can you compare the increases of children
4 in care with the increase of the number of cases and what
5 that means to you?

6 A Well, in family cases, what we're observing here,
7 is, over the last six years, an increase in the number of
8 families that child and family service agencies are
9 supporting, where the children are not taken into care.

10 Q And in terms of the -- let me lead a little bit
11 here, this would suggest to me that the number of cases
12 that you're dealing with is growing faster than the number
13 of children being taken into care?

14 A Yes.

15 Q And the, the, the final box, or, or column in
16 this chart is children safe at home; can you tell the
17 Commissioner what that is?

18 A In each of the family cases, there may be a
19 number of children who are being kept at home, with a plan,
20 or with a support system in place that the agency has
21 developed, so that they do not have to be taken into care.
22 So the numbers of children that those families would have
23 are shown on the right hand side. So in 2012, as an
24 example, our CFSIS information would indicate that we had
25 (inaudible) cases and out of those family cases, there

1 would have been 11,522 children at home, as members of
2 those families.

3 Q Okay. And, and I want to get you to speak to the
4 issue of, of trends. If we look at 2007, there were more
5 children in care than there were children being kept at
6 home --

7 A Yes.

8 Q -- and receiving services; how has that trend
9 changed?

10 A Well, I think what we can see is that the
11 increase, in terms of the number of children being kept at
12 home safe is now exceeding the number of children that we
13 have in care. So while, as you indicated, in 2007, there
14 were more children in care than there were children being
15 kept home safe, we now have a substantially larger number
16 of children at home, being supported by agencies in their
17 own home.

18 Q I'm going to move you to the issue of standards
19 and get you to give a brief overview of your position,
20 department's position, relative to the whole issue of
21 standards. And we've heard a fair bit about provincial
22 standards at this inquiry and we will be calling other
23 people to talk about what's, what the standards were in, in
24 place, prior to 2005, but can you start by explaining to
25 the Commissioner what happened with the standards in

1 January of 2005?

2 A In January 2005, the provincial foundational
3 standards for case management were released to all of the
4 agencies and the authorities. They were also provided to
5 the groups through hard copy and they were put online. So
6 they are now accessible on the internet for workers and for
7 the general public.

8 Q So the standards became not only available online
9 to workers through their own internal intranet, but
10 available to the public as well, through the internet?

11 A Yes.

12 Q There's also been some discussion at this inquiry
13 about authority standards. Just, if you could, briefly
14 tell the Commissioner what those are and what role, if any,
15 the Province has in developing authority standards?

16 A In the, the Authorities Act, each of the
17 authorities was enabled to develop their own standards for
18 the operations of their agencies. These standards that
19 they develop are not to contradict the provincial
20 foundational standards. So they can implement a variety of
21 standards that they would see as important, valuable to the
22 delivery of service that they have within their agencies.

23 Q And what relationship do those standards have to
24 provincial standards? Can they alter a provincial
25 standard?

1 A They can alter a provincial standard, as long as
2 it doesn't contradict the standard. So they could
3 definitely enhance the standard, or add features to a
4 standard that would be important, again, to their unique
5 circumstances in their agencies.

6 Q And I meant to ask you, a moment ago, just to
7 identify, for the record, the Child and Family Services
8 standards manual, which is Exhibit 66, and I believe you
9 have a binder in front of you of those standards?

10 THE COMMISSIONER: Are these the January '05
11 standards?

12 MR. MCKINNON: These were -- and, and I -- let me
13 ask the witness to explain that.

14

15 BY MR. MCKINNON:

16 Q These --

17 A The --

18 Q -- I understand these standards are from March or
19 April of 2012?

20 A This is a, a hard copy printout --

21 THE COMMISSIONER: Where -- have I got Exhibit 66
22 here?

23 MR. MCKINNON: It's a fairly thick binder, Mr.
24 Commissioner, it was filed --

25 THE COMMISSIONER: That's 64. Yes, here it is.

1 MR. MCKINNON: Mr. --

2 THE COMMISSIONER: Now --

3 MR. MCKINNON: -- Mr. Commissioner, I'm not going
4 to ask the witness to go through any of the standards at
5 all, just, but to give you a sense as to the process.

6 THE COMMISSIONER: What date, what is the date of
7 these?

8 THE WITNESS: April 16th, 2012.

9 THE COMMISSIONER: And do they -- what, what
10 effect do they have on the January '05 standards?

11 THE WITNESS: Some of them are similar to the '05
12 because --

13 THE COMMISSIONER: Did they replace the '05?

14 MR. MCKINNON: Can I try and lead the witness
15 through that and see if I can shorten this --

16 THE COMMISSIONER: Yes.

17 MR. MCKINNON: -- Mr. Commissioner?

18 THE COMMISSIONER: Yes.

19

20 BY MR. MCKINNON:

21 Q My understanding is that in January of '05,
22 standards were put online?

23 A Yes.

24 Q And these standards have been continuously
25 updated from January of '05 until the present?

1 A Correct.

2 Q And they are done --

3 THE COMMISSIONER: You're talking now about the
4 provincial standards?

5 MR. MCKINNON: The provincial standards.

6 THE COMMISSIONER: Not the authority standards?

7 MR. MCKINNON: Exactly.

8 THE COMMISSIONER: Well, I, I don't know why you
9 left the provincial standards and went into the authority.

10 MR. MCKINNON: Just to distinguish the two.
11 We're, we're now back to the provincial.

12 THE COMMISSIONER: You're, you're now back to the
13 provincial?

14 MR. MCKINNON: Sorry, Mr. Commissioner, yes,
15 we're back to provincial standards.

16

17 BY MR. MCKINNON:

18 Q And they are continually being revised and
19 updated and posted online when that occurs?

20 A Yes, you'll see in the document, revision dates.
21 So it provides you with information as to when a standard
22 was revised or updated.

23 THE COMMISSIONER: Well then, does this document,
24 in Exhibit 66, represent the, a codified copy of all
25 existing standards as of that date?

1 THE WITNESS: As of that date.

2 THE COMMISSIONER: And have they been changed
3 since?

4 THE WITNESS: There have been a number of changes
5 and additions through the last number, or through the last
6 year again, yes.

7 MR. MCKINNON: And the changes and addition, and
8 additions that have been made to the standards in the last
9 year, we made a decision, Mr. Commissioner, not to file
10 another copy of this because it's so voluminous.

11

12 BY MR. MCKINNON:

13 Q Can you tell the Commissioner, in your view, any
14 of the changes or additions made since April 16th, 2012,
15 are they relevant to the, to this inquiry?

16 A The standards that were developed over the last
17 year and added to the foundational standards had to do with
18 fetal alcohol spectrum disorder. So there were a number of
19 standards that were developed with respect to requirements
20 in working with families or children with fetal alcohol
21 syndrome.

22 Q And the Commissioner was trying to get to the
23 bottom of whether these are the same as in '05 and the
24 simple answer to that is no, because they're continuously
25 being updated?

1 A That's correct.

2 Q And I want to then talk to you about the process
3 by which the standards are updated and there's a document,
4 Commission disclosure 1047.

5 That's at tab 4 of Exhibit 64, Mr. Commissioner.

6 THE COMMISSIONER: Tab what?

7 MR. MCKINNON: Four.

8 THE COMMISSIONER: All right.

9

10 BY MR. MCKINNON:

11 Q Do you have that document in front of you,
12 witness?

13 A Yes, I do, thank you.

14 Q This is called the provincial -- I'm going to
15 shorten it -- standards development protocol; could you
16 tell the Commissioner what this is?

17 A This is an agreement that the department has with
18 the four authorities on the steps that we undertake when
19 we're developing provincial foundational standards. It
20 demonstrates that we work collaboratively with the
21 authorities and the authorities work with their agencies as
22 we develop the, the standards.

23 Q Okay. Now, this, I understand it, is a protocol
24 whereby representatives of the authorities and
25 representatives of the province meet to discuss changes to

1 standards?

2 A Yes.

3 Q Are you, from time to time, a member of that
4 committee?

5 A The, there's --

6 Q Or have you been?

7 A -- there's a working group that we have
8 identified where each of us have staff that are working and
9 the documents, or the proposals come to standing committee
10 and I have been a member from time to time in standing
11 committee, yes.

12 Q Okay. And that group then looks at changes to
13 standards?

14 A Yes.

15 Q And has an approval process?

16 A It does. It also has a, a process to identify
17 those standards that are a priority, to be reviewed, or
18 renewed and/or newly developed.

19 Q And what about a consultation process?

20 A Each of the authorities has that responsibility
21 to engage their agencies in a consultation, a review of the
22 standards, to indicate what any concerns and/or strengths
23 of the proposed standards are.

24 Q And can you talk to me, or explain to the
25 Commissioner, about how this standards development

1 protocol, in your view, relates to, or doesn't relate to
2 the devolution?

3 A Well, in the roles and responsibilities and the
4 powers, the power for the development of provincial
5 standards continued to remain with the director of Child
6 and Family Services. In looking at our model, under the
7 Aboriginal Justice Inquiry - Child Welfare Initiative, we
8 work, as much as possible, in a collaborative and consensus
9 manner. And this particular protocol demonstrates that,
10 that model of collaboration and consensus.

11 Q Okay. And collaboration is great, but at the end
12 of the day, if there's no consensus, what does this
13 protocol say?

14 A The protocol outlines steps when agreement cannot
15 be achieved and there is first a review, and a time period
16 that's allocated to standing committee, to try to resolve
17 those differences. And if that cannot be done, the
18 director of Child and Family Services maintains the
19 authority to proceed with the implementation and approval
20 of, of a provincial foundational standard.

21 Q So the ultimate authority, if there can be no
22 agreement, would be the -- who did you say?

23 A The director of Child and Family Services.

24 Q And right now, that's you?

25 A Correct.

1 Q And this protocol has been in place, I believe --
2 I, I forget the date.

3 A November 6th, '07.

4 Q So close to -- well, over five years?

5 A Yes.

6 Q Have you -- to your knowledge, can you recall a
7 situation where the executive director of child protection,
8 or Child and Family Services had to exercise that
9 authority?

10 A No.

11 Q Okay. Now going to ask you to comment a little
12 bit about CFSIS.

13 And just to remind you, Mr. Commissioner, we've
14 heard a lot about CFSIS in these proceedings, but there are
15 actually two information systems.

16 And people often refer to them collectively as
17 CFSIS, but there are two systems and they are CFSIS and the
18 intake module; correct?

19 A Correct.

20 Q Now, we've heard reference to CFSIS being an old
21 platform and, and you would agree with that?

22 A Yes, I --

23 THE COMMISSIONER: Well --

24 THE WITNESS: -- would.

25 THE COMMISSIONER: -- an old what?

1 MR. MCKINNON: Platform.

2 THE COMMISSIONER: Platform?

3 MR. MCKINNON: Platform, that means that the --

4 THE COMMISSIONER: Oh.

5 MR. MCKINNON: -- I'm getting beyond my depth
6 here. I'm looking around for some help. The, the --

7 THE WITNESS: The technology that's used for the
8 business information system is not as modern as the ones
9 that currently exist.

10

11 BY MR. MCKINNON:

12 Q And notwithstanding that it is an old
13 technology, there have been improvements made to the CFSIS
14 system and they're at pages 15 and 16 of your summary of
15 evidence?

16 A Yes.

17 Q And if we look, for example, I'm just going to --
18 I'm backing up here, Mr. Commissioner, the correct name is
19 the CFSA, which is the Child and Family Services
20 Application and then CFSIS is one component of that?

21 A Yes.

22 Q Okay. And in terms of the improvements that have
23 been made, if you could -- I'm, I'm, I'm sure you don't
24 want to go through every one of those, but the ones that
25 you think are most relevant to the work of this inquiry,

1 would you mind just outlining those to the Commissioner?

2 THE COMMISSIONER: Now, what exhibit are we in?

3 MR. MCKINNON: We are in her, her, or her summary
4 of evidence, which is Exhibit 63 and we're at page 15 and
5 we're talking about the changes or enhancements to CFSIS
6 since 2006.

7 THE COMMISSIONER: What size of a document is it?

8 MR. MCKINNON: It is the, I think it's the bound
9 plastic covers with the spiral ...

10 THE COMMISSIONER: Yes, I have it. Page what?

11 MR. MCKINNON: Page 15.

12 THE COMMISSIONER: Yes.

13

14 BY MR. MCKINNON:

15 Q So are you in a position to just talk about some
16 of the improvements that have been made to this information
17 system in the last six or seven years?

18 A Yes, one of the changes that was part of the
19 recommendations, from some of the external reviews, was to
20 try to create a system that was easier to use for workers.
21 And so one of the things that we did was did some work, and
22 it was a technological kind of a function that was created,
23 so that workers could move more easily from the intake
24 module to the CFSIS module itself.

25 Q And I -- the way I understand that is that prior

1 to 2006, those two modules didn't talk to each other very
2 well, or at all?

3 A That's the layperson language that would be used,
4 yes.

5 Q And now they can talk to each other?

6 A Yes.

7 Q Okay.

8 A Another feature of our system was that we were
9 able to develop the capacity for it to upload digital
10 photos of children and this created an ease of recognition
11 for children who were in care and we established a, a
12 project, with the Winnipeg Police Service, a youth
13 identification project, whereby we can easily move
14 photographs from the police to us, or from us to the
15 police, if a child is missing and it has resulted in quick,
16 finding children more quickly if they do go missing.

17 The other one that we have done in the intake
18 module in 2005, of course, was to embed the safety
19 assessment right in the application itself and more
20 recently, we embedded the SDM probability of future harm.
21 So this means that people can go right to CFSIS, pull up
22 the assessment forms and input their documentation right
23 onto the system itself.

24 Q And that prevents workers from having to prepare
25 a document and then upload it onto CFSIS, it's

1 automatically uploaded?

2 A That's right.

3 Q And can you just talk briefly about the face-to-
4 face visit screen, what that is?

5 A For children in care, there is a, a face-to-face
6 screen, whereby a worker can quickly identify when they saw
7 the child. So it gives another tool, besides the case
8 plan, that would be in the CFSIS documentation, for a
9 worker to know that they have to see a child, for a
10 supervisor to check to see if they, their workers are
11 fulfilling their responsibilities in this area and also for
12 the executive director of an agency to look at their
13 overall responses and/or compliance with this as a
14 standard.

15 Q Are there any other of the improvements that you
16 think the Commissioner might find relevant to Phoenix
17 Sinclair inquiry?

18 A I, I don't believe so.

19 Q Okay. Now, we've heard some mention of this, at
20 this inquiry, of a project called Information Matters;
21 could you tell the Commissioner what that is?

22 A In the external reviews that were tabled in 2006,
23 there were a number of findings and recommendations about
24 the information system that we had and the recommendations
25 were to modernize and to develop, basically, a new system.

1 The department, along with authorities and agency staff,
2 did a, quite a comprehensive review of what the needs of
3 the agencies were when it came to using an information
4 system. So over a period of a number of years, the project
5 identified some of the key features of a new information
6 system that would be most valuable to front line workers.
7 This work was undertaken until approximately 2009 and at
8 that point in time, we took a bit of a pause and are now,
9 again, beginning to look at the scoping component of the
10 project. And this is an information system technology
11 language that basically, the way I understand it, is that
12 the scoping project would identify the type of technology
13 that is required in order to fulfill (phonetic) (sic) some
14 of the demands of a more modern case management system.

15 Q Now, when the auditor general was testifying, I
16 suggested to her that this kind of information system would
17 cost in the tens of millions and she said I was probably
18 low; what's the range of the cost of this kind of a, a, a
19 technological change?

20 A Well, technology projects are very costly and we
21 have seen, across the country, ranges anywhere from
22 probably about 30 million, upwards of over a hundred
23 million dollars that have been attached to these types of
24 projects. So the projections that are made often have to
25 do with the way in which the project is developed, how it

1 is implemented and the scope of the project, in terms of
2 where you start and where you end up, through the
3 discussions of the development of the project.

4 Q Do you have anything more you want to say about
5 the current status of that project?

6 A Well, at this time, I have staff that are
7 continuing to work on what we're referring to as the, the
8 scoping component of the project. However, in terms of
9 looking at a complete development, we would first have to
10 have the scoping component complete.

11 Q And I'm going to move just to one other area,
12 related to information systems. We've heard evidence, at
13 this inquiry, from time to time, about problems with
14 connectivity of some remote agencies; can you tell the
15 Commissioner what initiatives, if any, are underway, to
16 assist with that problem?

17 A I can talk about two that I'm aware of. One is
18 that the Province of Manitoba has a, a broadband
19 initiative. And with this initiative, communities that do
20 not have access fiber optic cable are, over a period of
21 time, being hooked up with this fiber optic cable, which
22 allows for high speed internet to be moved to communities
23 that currently do not have it.

24 Secondly, the Southern Authority worked with the
25 Federal Government and the Southern Authority received a

1 significant grant to look at the building of a connectivity
2 project, so that all of their agencies would be able to
3 access the CFSIS system more readily.

4 Q And is that -- are there any other projects
5 you're aware of, either Federal or Provincial, to assist
6 either with connectivity or with getting data uploaded on
7 the system?

8 A If we're talking about getting data uploaded into
9 the system, last year, the Province of Manitoba also
10 provided some additional resources to both the Southern
11 Authority and the Northern Authority, in the form of human
12 resources, to do data inputting. So CFSIS and data entry
13 coordinators is what we funded for each of the agencies,
14 the nine agencies of the Southern Authority and the six
15 agencies of the Northern Authority.

16 Q And that was specifically to do what?

17 A That was specifically to assist the agencies in
18 uploading their file documentation to CFSIS.

19 Q I'm going to change topics again and ask you
20 about the department's strategic plan. Firstly, do you
21 have a strategic plan and can you briefly describe to the
22 Commissioner what that, what the process is?

23 A The, the department engages in the development of
24 a strategic plan annually, that's used as part of its
25 estimates and budgeting process. And my division also

1 constructs a, a strategic plan that would be much more
2 specific to the operations and priorities that our division
3 is engaged in. So the two documents have a relationship
4 with respect to the activities that can be engaged in,
5 because if there is funding for many of the activities, of
6 course, they can be undertaken.

7 Q Okay. And if I -- I'm directing you now to page
8 17 of Exhibit 63, at paragraph (c) on that page. There are
9 examples of the kinds of factors that both the department
10 and the authorities are looking at, in terms of outcomes.
11 If you could briefly speak to the Commissioner about the --
12 what kind -- how do you know whether you're doing your job?
13 How -- that's the question.

14 A Well, certainly, in the business plan that we
15 have, we identify performance indicators that would
16 demonstrate whether we have completed the work that we said
17 we were going to do. But on a larger scale, Manitoba has
18 been a member of the national outcomes project that is
19 headed up by Nico Trocmé, who will be heard from in the
20 part 3 of this inquiry. And we have identified, as a, a
21 system, a number of common outcomes that we think are
22 important and each of the authorities also has, of course,
23 the opportunity and the obligation to look at outcomes that
24 they would want to see from their particular areas. So
25 ours would be a bit more macro, in terms of what we would

1 be looking at, so we're identifying, for example,
2 placements that are permanent, because permanence, for
3 children, of course, is important for their overall
4 development and wellbeing. And we're looking at whether
5 children are doing better staying with their families. And
6 the other area that is of significant interest for us is
7 how children are doing at school and with their learning.

8 Q Okay. I'm going to move you to another area now
9 and that is the 295 recommendations. And I'm not going to
10 -- you'll be pleased, Mr. Commissioner, I'm not going to
11 ask the witness to comment on any of the 295
12 recommendations that came out of the six reviews, but I
13 will ask her, just at a very high level, to explain to the
14 Commissioner who you -- who has been -- to whom have, has
15 the department and the agencies and the authorities, been
16 reporting on the progress made on the implementation of
17 those recommendations?

18 THE COMMISSIONER: What's that question again?

19

20 BY MR. MCKINNON:

21 Q To whom are your reporting?

22 THE COMMISSIONER: Reporting?

23

24 BY MR. MCKINNON:

25 Q Yes, on the progress made on those

1 recommendations?

2 A The department reports to the ombudsman. And
3 when Changes for Children was released and the
4 responsibility for reporting was identified, government
5 indicated that the ombudsman would be reporting publicly on
6 the progress of the implementation of the recommendations
7 from Changes for Children a couple of times. So that
8 included, I believe, two reports that the ombudsman had
9 done publicly.

10 Q Okay. And just again, if we get into this, we'll
11 be here for another week and a half, so I'm not going to
12 get into it, but can you identify -- Exhibit 65, Mr.
13 Commissioner.

14 You should have a copy, Ms. Loepky, in front of
15 you as well.

16 It's a, a very thick binder, Mr. Commissioner.
17 It will probably be the thickest of the ones I filed.

18 THE COMMISSIONER: Yes, I have it.

19

20 BY MR. MCKINNON:

21 Q Ms. Loepky, there are three documents in that
22 binder, all of them over a hundred pages long; what are
23 those documents? Could you just tell the Commissioner?

24 A These are the reports that the department would
25 have developed, using information that would have been

1 secured from standing committee, from the authorities, from
2 other government departments who also took on some
3 responsibility for the implementation of the
4 recommendations. And the information was put into a, a
5 common database that we have, where all of our
6 recommendations are listed. And these reports then
7 demonstrated what had been accomplished, or finished. Or
8 in some cases, if there was only significant progress, or
9 work started, it would also show that that was the status
10 of where we were with that recommendation.

11 Q So these -- and, and, and my understanding, as
12 well, these reports cover more than the 295 recommendations
13 contained in the six reports? There's also status reports
14 on child death reviews and inquests and that sort of thing?

15 A Yes, we have the obligation to report to the
16 ombudsman on inquests and on special investigation reports,
17 which are the reports for child deaths.

18 Q And again, and just in terms of the process, how
19 do you track them all? What's, what's your procedure for
20 tracking the progress on recommendations and, and who does
21 it?

22 A We have a, a, an Access database, which is an
23 electronic database, that we input information that we
24 receive about the status of particular recommendation. We
25 also maintain a hard copy file folder system where we would

1 have any of the documents that we would use as our evidence
2 to demonstrate that --

3 Q Okay --

4 A -- a particular recommendation had been done.

5 Q -- okay, I don't think we need a lot of detail.
6 Just that there is a process established and someone
7 working for you, on your staff, has primary responsibility
8 to, to track that?

9 A That's correct.

10 Q And the reports that are in Exhibit -- I've
11 already forgotten the number --

12 UNIDENTIFIED PERSON: Sixty-five.

13

14 BY MR. MCKINNON:

15 Q -- 65, are taken from that database?

16 A That's correct.

17 Q Can you tell the Commissioner where we are -- and
18 I'm now moving back just to the 295 that arose out of the
19 six reviews following the death of Phoenix Sinclair, can
20 you give him a general understanding of where we are?

21 A In terms of looking at recommendations that the
22 department would identify as complete, we would have likely
23 all but about 40 to 45 recommendations where we believe
24 that work is still underway and needing to be more complete
25 before we identify those as complete and finished.

1 Q Okay. And, and the question then is, there's 40
2 to 45 that are not completely finished --

3 A Yes.

4 Q -- why not? What, what, what -- can you
5 characterize which ones are not fully completed?

6 A Well, the ones that are not fully complete have
7 to do with some development of standards in the area of
8 youth transitioning out of care, or the age of majority.

9 Q Okay.

10 A We also have some that are not complete with
11 respect to the information system --

12 Q Right.

13 A -- that had been identified. And we also have a
14 number where we are working with other sectors, the
15 education sector and the mental health sector, where we're
16 developing either some protocols and/or large scale
17 initiatives that require significant amount of time and new
18 resources in order for them to be finalized.

19 MR. MCKINNON: Okay. Thank you, Ms. Loepky.

20 Mr. Commissioner, that essentially concludes my
21 direct and it would be probably a good time for our morning
22 break.

23 THE COMMISSIONER: Yes, I think that's what we
24 were working towards. So we'll, after our 15 minute break,
25 we'll take cross-examination.

1 Now, I've indicated to Mr. Funke this morning
2 that I'll allow him to recall his witness and that will
3 take extra time, so we are scheduled to sit on Tuesday
4 evening, but I have to tell you that in order to complete
5 phase 2 by five o'clock on Thursday, if we require it,
6 we'll also sit on Wednesday night to make that possible.

7 With that, we'll take a 15 minute adjournment.

8

9 (BRIEF RECESS)

10

11 THE COMMISSIONER: All right. Ms. Walsh?

12 MS. WALSH: Thank you, Mr. Commissioner.

13 Morning, Ms. Loepky.

14 THE WITNESS: Good morning.

15

16 CROSS-EXAMINATION BY MS. WALSH:

17 Q You began your testimony last week and I want to
18 go back to the very beginning. You talked about your
19 extensive background in education and would it be fair to
20 say that, that that extensive background in education is an
21 asset to your work in child welfare?

22 A I believe it is.

23 Q And you understand the importance of education,
24 including early childhood education, to achieving positive
25 outcomes for children and youth?

1 A Yes.

2 Q I think you also spoke about how the school
3 itself can be used like a community centre, from which a
4 variety of programs for children and families can be
5 offered?

6 A Correct.

7 Q And would you also agree that to achieve positive
8 outcomes for children, education, childcare, family support
9 programs and services should be integrated?

10 A Yes.

11 Q Let's talk a little bit about the structure of
12 the department since devolution and the, not just the
13 department, but the whole system of child welfare.
14 Describe briefly the relationship between the authorities
15 and the director of child welfare and the authorities and
16 the Province please?

17 A The legislation in the Authorities Act, when it
18 was developed, identified the specific roles,
19 responsibilities, duties and powers of the authorities and
20 of the director of child welfare. The -- many of the
21 responsibilities that are in legislation are shared, or
22 joint responsibilities. Each of the four CEOs has the
23 responsibility, as well as the director of Child and Family
24 Services.

25 There are some responsibilities, powers and

1 duties, that are unique to a CEO and there are others that
2 are unique to the director of Child and Family Services.

3 THE COMMISSIONER: And are those all spelled out
4 in the Authorities Act?

5 THE WITNESS: Yes, they are.

6

7 BY MS. WALSH:

8 Q Ultimately, the authorities are not -- are, are
9 the authorities responsible to the director?

10 A They are not. The authorities have their
11 responsibilities outlined in the legislation. They have an
12 accountability to the minister of Child and Family
13 Services, through the Act and they would be responsible to
14 the boards that they have appointed, by each of their
15 appointing bodies, which is also outlined in the
16 Authorities Act.

17 Q So, and on the very first day of hearings, of the
18 hearings, we looked at two exhibits, Exhibits 9 and 11,
19 which showed the difference in reporting structures. The
20 authorities no longer report to the director of child
21 protection; correct?

22 A The authorities do not have a reporting
23 relationship, that's correct.

24 Q But they do have an accountability relationship
25 to the Province?

1 A That's correct.

2 Q Okay. And the funding from the Province, the
3 provincial funding, that all comes through the department
4 initially before it goes to authorities?

5 A Yes.

6 Q Does anyone in the system have oversight of the
7 entire system, including ensuring that services are
8 provided consistently throughout the Province?

9 A The responsibility with respect to consistency
10 would be a, a function and a duty of the standing
11 committee, which has the responsibility for cooperation and
12 collaboration and dealing with items that would affect the
13 entire system, when it comes to service delivery.

14 Q So that's the mechanism that the department
15 relies on to ensure consistency of service delivery across
16 the province?

17 A We do.

18 Q The members of the standing committee are
19 legislated? The --

20 A They are --

21 Q -- composition?

22 A -- yes.

23 Q The CEO of each of the four authorities?

24 A Yes.

25 Q Plus the director of the Child Protection Branch?

1 A It's the director of Child and Family Services,
2 so it would be the statutory director, as outlined in the
3 legislation.

4 Q When I say consistency across the Province, to
5 ensure that services are delivered consistently, does that
6 apply to on reserve services as well?

7 A What it would be is the, the foundational
8 standards would be the primary tool that we would be
9 looking at to articulate what the minimum requirements are
10 for the delivery of service. Provincial foundational
11 standards apply on and off reserve.

12 Q Is there something else that, that you're not
13 referring to that is necessary to ensure that services are
14 delivered consistently on reserve and off reserve?

15 A Well, there would also be the, the funding model
16 and the resources that are provided on and off, off
17 reserve, because funding often equates to what you are
18 offering, in terms of consistency.

19 Q And are you saying that with the new funding
20 model, there is greater consistency than before?

21 A There's more equitable funding between all of the
22 agencies across the Province, yes.

23 THE COMMISSIONER: Let me just ask you this, in
24 answer to the question of who held overall responsibility,
25 you proceeded to advise how consistency was arrived at, but

1 insofar as overall responsibility is concerned, where does
2 the deputy minister fit into that?

3 THE WITNESS: The, the minister holds the
4 responsibility for the implementation of the, the Acts that
5 she as responsibility for. And the deputy minister would
6 be the direct report to the minister. And in the
7 legislation, the minister can delegate certain
8 responsibilities to the, to the deputy, and/or to the
9 director of Child and Family Services.

10 THE COMMISSIONER: And has he done that? Or she
11 done that?

12 THE WITNESS: With respect to authority, the
13 minister has maintained some of that authority, when it
14 comes to providing direction to the authorities, should
15 that be required. And that has, on occasion, been done.
16 And the deputy has taken responsibility for certain tasks
17 that the minister has delegated to him and that would be
18 around identifying certain priorities of action for the
19 system as a whole.

20 THE COMMISSIONER: Does the standing committee
21 report to anybody?

22 THE WITNESS: No.

23 THE COMMISSIONER: And what, what relationship
24 has the deputy minister got to the standing committee?

25 THE WITNESS: The, the, the deputy minister

1 really does not have a reporting or an accountability
2 relationship to standing committee. Standing committee, in
3 legislation, is identified as a body that is created to do
4 cooperation and coordination, in order to achieve some of
5 the common or joint issues that need to be dealt with,
6 within the system. So it really is a group of senior
7 executives who need to work together in a consensus basis,
8 in order to achieve an outcome.

9 THE COMMISSIONER: Are you satisfied that,
10 overall, oversight and responsibility for the child welfare
11 system is properly organized, as you've outlined it today?

12 THE WITNESS: I believe that the, the mechanisms
13 (phonetic) (sic) that exist in the Authorities Act and in
14 the Child and Family Services Act, which outline duties and
15 responsibilities, powers and duties, provide the right
16 amount of authority for the, for the government, and also
17 for each of the authorities and the, the bodies that
18 appoint them.

19 THE COMMISSIONER: So the answer to my question
20 is yes?

21 THE WITNESS: Yes.

22 THE COMMISSIONER: Thank you.

23

24 BY MS. WALSH:

25 Q So, just following up on those questions,

1 notwithstanding devolution, the minister has ultimate
2 responsibility for the delivery of child welfare services
3 across the province of Manitoba?

4 A Correct.

5 Q And the mechanism for ensuring consistency in
6 delivering those services is the standing committee?

7 A That's correct.

8 Q But I just heard you say that the standing
9 committee doesn't report to anyone, so how --

10 A That's correct.

11 Q -- how does -- what's the relationship between
12 the work of the standing committee and the minister?

13 A Well, the, the minister has the power and the
14 duty to provide directives to the system if they are
15 required. So should there be a requirement that is not
16 developed jointly, or by consensus at standing committee,
17 the minister does have the power to provide a directive to
18 the system, in order to accomplish that.

19 Q But how, how would the minister even be aware of
20 that if, if the standing committee's not reporting to her?

21 A Well, the, through the director of Child and
22 Family Services, the responsibility of the director and the
23 responsibilities of each of the authorities is also to
24 report issues or provide advice to the minister. So there
25 are mechagnisms in place whereby, if there are concerns or

1 issues that need to be identified, they can be carried
2 through to either the department and/or to the deputy or
3 the minister.

4 Q Are those responsibilities set out in the
5 legislation? The duty to report concerns to the minister?

6 A Yes, I believe it is outlined in one of the
7 powers and the duties of both the authorities and of the
8 director of Child and Family Services.

9 Q Okay.

10 A Under a title called: Providing advice to the
11 minister.

12 Q Thank you. All right. Let's talk funding.
13 We're going to talk funding and workload, funding and
14 differential response. Funding comes up in a variety of
15 ways, of course, that's a reality. The new funding model
16 is based on caseload numbers, not workload; correct?

17 A The Province's component is based on caseload.

18 Q Numbers of cases --

19 A Yes.

20 Q -- results in numbers of workers?

21 A Correct.

22 Q Okay. Was there an evidence based method for
23 establishing the ratios that appear in those caseload
24 provisions in the new funding model?

25 A I would say that there was not an evidence base

1 that was used. What was used was an analysis of where the
2 current state was and a consideration of the allocations
3 that both of the governments felt that they were able to
4 contribute to the new funding model, which then resulted in
5 the ratios that were being used. There was some discussion
6 about the ratios with respect to prevention and the goals
7 that were set for trying to ensure that the workers would
8 be working with families for prevention would have more
9 time to do that, so that the length of stay of that family
10 in a child welfare system wasn't as long. There was
11 also --

12 Q Sorry, just to interrupt you --

13 A Sorry.

14 Q -- is that why the ratios are lower?

15 A Yes.

16 Q Okay.

17 A Yes.

18 Q So for prevention workers, it's 20 to one, as
19 opposed to 25 to one for --

20 A That's correct.

21 Q -- protection?

22 A Yes.

23 Q Okay. I interrupted you, I'm sorry.

24 A Yes, and I've lost my train of thought, so

25 I'll --

1 Q I'm sure you'll get it back.

2 A -- if it comes back to me, I'll, I'll --

3 Q Okay.

4 A -- mention it.

5 Q You said there was no evidence based method for
6 calculating, but there was an analysis of where the current
7 state was; what does that mean?

8 A Well, in, in looking at the funding that was
9 available, the review recommendations that provided some
10 guidance, in terms of what they felt an initial allocation
11 should be to the sector, that was the five million dollars
12 that they said should be immediately infused into the
13 sector for workload, we did that. And then essentially, it
14 was looking at the ratios that were average ratios and
15 there was a, a, a, a running sort of log that would be
16 kept, in terms of, are we running at one to 33, as the
17 average, are we running one to 32? Is it one to 28? So we
18 were probably at about one to 28 when the funding model was
19 put into place and that was as a general, across the
20 system, number and we were able to, with the funding that
21 we were allocated, reduce it to one to 25 and one to 20,
22 with the understanding that one of the principles that we
23 were working on was that, over the longer term, we were
24 moving towards a system that would have less children in
25 care and that would had anticipated that we would be able

1 to divert resources from children in care and child
2 maintenance, because child maintenance is the large
3 expenditure, to more prevention programs. So we saw it as
4 a first step in the process of implementing a model that
5 was, for the first time, more transparent and applicable
6 across the entire sector.

7 Q So it's a first step?

8 A That's correct.

9 Q The ratio that was established, does it take
10 workload into consideration?

11 A I would say that it does not. It's a, it's a
12 ratio that's provided. It also does not identify any
13 direction to agencies as to how they organize their agency,
14 so that if they choose to have specialty or auxiliary units
15 to support the work of workers that we consider case
16 management, those decisions are left to the agency, to
17 organize the envelope of resources in the best way that
18 meets their needs.

19 Q So when, when the monies are provided to the
20 agency, based on 20 -- based on the ratios that are in the
21 model, the agency is, nonetheless, free to spend the money
22 how it wants?

23 A With the exception of some of the executive --

24 Q The core --

25 A -- core positions, yes.

1 Q -- right, the core positions. The --

2 A Um-hum.

3 Q -- HR, the CEO?

4 A That's right.

5 Q But with respect to delivery of services and
6 those two ratios, an --

7 A There is --

8 Q -- agency can do what it wants?

9 A -- there is flexibility for them to organize
10 their resources in a manner in which it meets their service
11 delivery model.

12 Q So if, in fact, they do more prevention work than
13 protection work, they can use the monies that were
14 established on the basis of the protection ratio for
15 prevention work?

16 A No, that's one area where they cannot take --
17 they have to maintain their protection --

18 Q Okay.

19 A -- supports, so that children who are taken into
20 care get the kind of support that they need.

21 Q Okay. So what about the converse? Can they
22 divert monies that were established, based on the family
23 enhancement ratio, to protection work, if they need to?

24 A No, no, what they can do is they can decide
25 whether they're going to have, for example, case aides,

1 social workers, para-professionals, within the envelope of
2 the two. So protection work and prevention work are the
3 two streams that have some -- they, they're not allowed to
4 have that flexibility between the two.

5 Q So where's the flexibility?

6 A Within the categories.

7 Q I see. Has there been, in establishing the
8 ration and the funding model, has there been any analysis
9 of what the optimum caseload is to allow for compliance
10 with standards?

11 A We have not done that kind of an analysis as yet.
12 We're quite new in implementing the, the new funding model.
13 So it would be an activity that would likely be undertaken
14 once the funding model was more established and we would
15 hear from authorities and from agencies, whether there were
16 some shortcomings, which we already have. There were
17 items, when we first implemented the funding model, that we
18 knew we would not be able to implement all of them in the
19 first five year agreement and these have been, as has been
20 indicated earlier in the inquiry, items that are on our
21 agenda for review as we move into the next negotiation for
22 the funding model. So the, the process that we engaged in,
23 there was recognition that we would not be able to fund the
24 entire model, as it was originally described. There were
25 priorities within each of the governments that allowed a

1 certain allocation to be identified and the items that we
2 were not able to fund, which would have been considered the
3 ideal model for the agencies, remain as outstanding items
4 for future consideration.

5 Q So the, the model, or the funding agreement will
6 have to be renegotiated for 2015?

7 A Correct.

8 Q So have, has the department started, for
9 instance, to do the analysis of the optimal case load for
10 compliance with standards?

11 A As yet, we have not.

12 Q Do you have any plans to start that?

13 A Well, in terms of the, the process itself, that
14 would be something that we would engage the authorities
15 with --

16 Q Um-hum.

17 A -- and at this point in time, we do not have an
18 active work plan around that.

19 MS. WALSH: Okay. If we could pull up Exhibit
20 68, page 21321 please. I think you can just pull up that
21 page, yeah.

22 THE COMMISSIONER: What exhibit is this?

23 MS. WALSH: I --

24 THE COMMISSIONER: Seventy-one.

25 MS. WALSH: Sixty-eight.

1 THE COMMISSIONER: Sixty-eight.

2 MS. WALSH: But I don't know that you need to --

3 THE COMMISSIONER: Okay.

4 MS. WALSH: -- pull it out. It's, it's a chart
5 on your screen, Mr. Commissioner.

6 THE COMMISSIONER: Yes, that's fine.

7

8 BY MS. WALSH:

9 Q You went through some lengths in identifying the
10 amount of additional positions that have been added from
11 2006/2007, to the present and, and, and that's identified
12 on, on this chart. We've heard a lot of evidence, you've
13 been here every day, I think --

14 A Um-hum.

15 Q -- that workload is still a concern,
16 notwithstanding an infusion of staff; why do you think that
17 is? Do you know?

18 A Well, I, I don't have any specific evidence or
19 hard data that would provide me with an overall
20 explanation, because generally, the comments have been
21 fairly general, in terms of continuing concerns about
22 workload. I think this is a sector though that we know has
23 very challenging work and it is a, a, a sector too that has
24 a great deal of responsibility every day, when they work
25 with vulnerable and at risk children and families. So

1 certainly the comments around workload have to be taken
2 very seriously.

3 The resources that have been added since 2006
4 have been very significant and as is evident in the annual
5 budget of the department, continue to have resources added
6 to the sector. Likely not as much as individuals might
7 want or need, but I think, as we move forward with the
8 funding model, positions get established and the new
9 service delivery models that are being developed, that
10 we've heard about and that we'll be hearing more about, I
11 think, can identify where the pressures will still be.
12 When it comes to looking at the standards, our process
13 allows us to come together, identify the areas where
14 changes could be made, to be more efficient or effective.

15 An example of that is, one of our standards
16 currently requires that workers have four visits with a
17 family in order to develop the family assessment. That my
18 no longer be a, a requirement, in terms of four visits. We
19 might look at a different way to do that, because the SDM
20 tool might give us much better information in fewer visits.
21 So those are the kinds of activities that we move forward,
22 that we'd have to consider.

23 Q So there's no question, from your evidence last
24 week and today, that the department has certainly done
25 something and something significant, in terms of funding,

1 in terms of just putting money into the system. But the
2 question, of course, is, is it enough?

3 A Um-hum.

4 Q And how do you measure that? We heard a lot of
5 evidence that the underlying conditions that are bringing
6 families into need of the system are increasing. Very
7 early on, in September, we heard evidence of workers saying
8 yes, I know there's more staff, but it's not making a
9 difference because the conditions of poverty, the
10 conditions in which people live are worsening. So it
11 doesn't matter, the fact of putting money in doesn't matter
12 if it's not enough. So that's, is that something that the
13 department is alert to?

14 A Yes, we are.

15 Q Okay.

16 A We do an annual budget. We identify, through
17 that annual budget process, pressures that we have heard
18 from the authority CEOs and also areas where there are some
19 new requirements that might be required. And that could be
20 within the Child and Family Services sector, or it could
21 also be with the collaterals that we fund who provide some
22 additional resources from a community-based --

23 Q And we'll --

24 A -- way.

25 Q -- talk about that, sure.

1 A And through that approach, year over year, we
2 have been able to secure additional resources for the child
3 and family service sector and again, it may not be
4 sufficient for the ones that are saying they still feel
5 that there are pressures that they cannot address.

6 Q Okay. And that may always be something that,
7 that we hear and we're going to talk about that. Not only
8 are the underlying conditions that bring families into
9 contact increasing in their severity, we've heard that
10 from, from Billie Schibler, from workers. We see that the
11 numbers of children in care are, continue to increase?

12 A Yes.

13 Q And you told us that that funding of the
14 maintenance of children in care is expensive?

15 A Yes.

16 Q Is it fair to say that protection work,
17 generally, is more expensive than prevention work?

18 A I believe that we have more resources that go to
19 protection work than we do to prevention work and it is
20 more expensive because of the care of the child.

21 Q Okay. And we'll talk some more about that. You
22 talked last week, we looked at Exhibit 68, we looked at
23 Exhibit 69. You said that over 400 new positions have been
24 put into the system and yet, as I said, as we've shown, the
25 numbers of children in care continue to grow. What, if

1 any, conclusions do you draw from, from that relationship,
2 that notwithstanding infusion of staff, the numbers of
3 children in care continue to grow?

4 A I believe that when social workers go out and do
5 assessments, their first concern is to look at the safety
6 of the child and so the decision making that they will be
7 doing in that course of assessment has demonstrated that we
8 do have more children that come in contact with our system.
9 So that means that the, the risk, or pardon me, the safety
10 of children has definitely been a concern to social
11 workers, resulting in more children coming into care.

12 We also, in the child care numbers, however,
13 include our extensions of care, our support to 18 to 21
14 year olds. So, for some of our authorities, we have seen a
15 trend where their child in care numbers have remained
16 generally stable over the last couple of years, but the
17 number of youth who are being brought into, are being
18 provided with services has increased. So their numbers
19 have increased as a result of that.

20 There are, however, some agencies, in two of the
21 other authorities, where the numbers of children in care
22 have increased, more than the other two authorities.

23 Q Generally, the department is reporting that the
24 numbers of children in care, even taking into account that
25 you are, in 2011 and 2012, you added those children aging

1 out, those numbers are increasing?

2 A Yes, they are.

3 Q That, you're saying, is in part potentially
4 because of greater risk assessment in case management?

5 A Well, I believe that the training that has
6 occurred around safety assessments and risk assessments
7 definitely have improved the assessment capabilities of
8 staff and it may be one of the factors that have identified
9 more children who require assistance and support.

10 I also though see that the number of children who
11 are at home and being held in their homes and being cared
12 for by their parents has increased. So overall, I think
13 our child welfare sector is seeing more contact with more
14 people.

15 Q Okay. Even if you take into account that there
16 are more children in care because of better risk
17 assessment, perhaps, that still means there's a, a large
18 need for services?

19 A There is a large need for services.

20 Q And getting back to my original question about
21 any conclusions you might draw between the infusion of 400
22 staff into the system, but a still increasing number of
23 children coming into the system, is one conclusion that
24 workload relief is not the only solution to lowering the
25 numbers of children in care?

1 A Well, I believe that when we implemented Changes
2 for Children, that was definitely one of the, the thoughts.
3 There were a couple of major initiatives that, working hand
4 in hand, would assist our sector. One of them was workload
5 relief, another one was training, to better train the staff
6 to do the work that's expected of them and the third one is
7 to try to increase the number of opportunities for
8 prevention.

9 Q That's, that's really a key theme in many of the
10 reports that are listed in our order in council,
11 particularly the report, Strengthen the Commitment?

12 A Yes.

13 Q And is a key them in Changes for Children in the
14 response to the 295 recommendations?

15 A It was a very large theme in Changes for
16 Children.

17 Q And we're going to talk some more about that.

18 Sticking just strictly with, with funding, the
19 ratios -- if I don't ask this, someone will, the ratios
20 that are used for cases to worker are higher than the
21 ratios that are shown by the Child Welfare League of
22 America; why aren't you using those ratios?

23 A The, the ratios from the Child Welfare League of
24 America are somewhat difficult to compare to our sector.
25 It's very difficult to understand the assumptions that they

1 have built into their ratios. And in some cases, they use
2 families and in other cases, they use children. So what we
3 find is, in Manitoba, we have a child in care as a case and
4 their family as a case. And if there are other children in
5 that family, they too may be counted as cases. So it's
6 somewhat of a difficult comparison to make and we found
7 this too with the work of the directors of child welfare
8 across Canada, that it's a very difficult comparable to
9 say, we should just be following the Child Welfare League
10 of America, because of the difference of definition, the
11 difference of service delivery model and also the way in
12 which they count cases.

13 Q I think you answered this, but the cost of
14 supporting a child in care, is that higher than supporting
15 the child in their own household?

16 A Yes.

17 Q And we heard Elsie Flette testify about an
18 example, for instance, of what it would cost to provide
19 respite or daycare for a single mother with a number of
20 children before she gets to the point where she needs
21 protection services and that that would be much lower than
22 what it costs if those prevention services aren't provided,
23 the child is taken into care and then put into daycare or
24 respite.

25 A Um-hum.

1 Q And so that's an example of where prevention work
2 would be certainly more cost effective than protection
3 work?

4 A Prevention work and the utilization of some of
5 the other community supports and services --

6 Q Which are critical.

7 A -- which would be very critical in building a, a
8 comprehensive support plan for a family.

9 Q And so is it agreed, or understood, that the more
10 money you put into prevention, the more money the system
11 will save overall?

12 A From the research studies that are conducted
13 around this topic, there is a, a general finding that
14 prevention programs do lead to long term savings, when it
15 comes to those higher need kinds of programs, so early
16 childhood programs and prevention programs being examples.

17 Q And perhaps more importantly then, the, in the
18 cost-benefit analysis of prevention, if you look at it, in
19 terms of the effect of, on families, rather than a pure
20 economic analysis, the more you keep families together, the
21 more positive outcomes you will have for individuals; is
22 that a fair statement?

23 A I think it's a fair statement, understanding that
24 if a child, however, is -- a child's safety is at risk,
25 there would be a, a responsibility and a mandate for us to

1 ensure that that child was safe and that might include out
2 of home care.

3 Q Absolutely. But in terms of looking at the cost-
4 benefit analysis of prevention work, you've just explained
5 that the, the research shows that ultimately it saves the
6 system money and, and I'm saying it doesn't just save the
7 system money, it saves families their --

8 A Yes.

9 Q -- their basic integrity?

10 A That's correct.

11 MS. WALSH: Now, if we can turn to page 307 of
12 Strengthen the Commitment.

13 And Mr. Commissioner, that's page 122 of your
14 copy.

15 Page 307 in our disclosure.

16 THE COMMISSIONER: Is, is that, is, is that the
17 Section 10 report you're going to?

18 MS. WALSH: No, it's Strengthen the Commitment.

19 THE COMMISSIONER: Oh, oh, oh, yes, I have it,
20 yes, yes.

21 MS. WALSH: Page 307, Madam Clerk.

22 Do you have that, Mr. Commissioner? It's, it's
23 Strengthen the Commitment.

24 THE COMMISSIONER: Yes.

25 MS. WALSH: And in the hard copy, it's page 122.

1 THE COMMISSIONER: Page 122.

2 MS. WALSH: Um-hum.

3 THE COMMISSIONER: No, I don't seem to have that
4 report here (inaudible) --

5 MS. WALSH: Strengthen the Commitment.

6 THE COMMISSIONER: I know, but I don't know where
7 it is. Wait a minute, this might be it. Well, I don't see
8 it here, but I, I know what it is, so go, so go ahead.

9 MS. WALSH: All right. Thank you.

10

11 BY MS. WALSH:

12 Q There are three recommendations at the top of the
13 page:

14

15 "We recommend that the necessary
16 resources immediately be dedicated
17 to developing, and implementing, a
18 fully researched, needs-based
19 funding model and that the funding
20 needed as a result be provided for
21 the child welfare system.

22 We recommend that in the course of
23 developing a needs based funding
24 model that there be a study
25 conducted focused on the costs of

1 providing services in remote
2 communities and that the results
3 of this study be used to develop a
4 model that is appropriate for each
5 community, taking into
6 consideration mode of travel,
7 costs of goods and distance from
8 the service centre.

9 We recommend that the funding
10 model be changed from one that is
11 based on the number of children in
12 care to one that provides funding
13 based upon the needs of the system
14 to deliver ... services, including
15 the flexible services that will be
16 offered through the differential
17 response that will prevent
18 children from coming into care."

19

20 So have these recommendations been implemented
21 and, and if so, how?

22 A Well, in terms of the development of the funding
23 model, all of the recommendations that were identified in
24 the reports were taken together as a, a grouping and when
25 the funding model was developed, the discussions that went

1 on related back to the recommendations and in some cases,
2 they would have been seen to be fully reflected in the
3 funding model and in other cases, not necessarily fully
4 reflected in the funding model that was developed.

5 So in, in terms of looking at the, the funding
6 model itself, certainly when we looked at it, we'd look at
7 the funding studies that had gone on with Wen:de, with the
8 national study that had been done around directive 20-1 and
9 we worked with the authorities to develop a prototype model
10 that would identify what an agency would need in order to
11 do its, its work. As I said earlier, not all of those
12 items that were in the prototype, in the ideal model, were
13 funded in the first go round, in the first five year
14 funding agreement that we have. So in terms of looking at
15 the, the overall three recommendations, I would say that a
16 significant portion of these recommendations are reflected
17 in the, the funding model.

18 Q What about the recommendation that the model be
19 changed from one that's based on number of children in care
20 to needs-based?

21 A At --

22 Q That, that hasn't happened; right?

23 A -- no, it has not.

24 Q So why not?

25 A Well, I think, in identifying a model that would

1 be a, a needs-based model, the complexities around that
2 would require a, a, a great deal of, of work and the, the
3 manner in which we developed our model, we actually have
4 probably what would be considered a blended model right
5 now, where we have needs of a, of a family and of a child
6 coming into care being addressed through out child
7 maintenance model. So there are needs there, whether
8 they're therapeutic needs, whether they are recreational
9 needs, or additional supports that the foster family needs,
10 in order to support the child, those would be considered,
11 in some cases, needs.

12 Q But --

13 A And in terms of looking at the agency itself,
14 what does it need to do its job? We identify those and
15 you're -- basically constructed those as staffing and
16 operations.

17 Q -- the underlying model, though, is based on
18 numbers, not on needs of children or needs of --

19 A I, I think --

20 Q -- the system?

21 A -- that's a very hard concept because I think a,
22 a needs-based model is very hard to describe in, in a, in
23 a, in a, in the way in which you would actually be
24 implementing the, the services of an agency.

25 Q All right. If the funding is tied to caseload,

1 does that have any kind of a negative impact, potentially,
2 on the incentive to work on preventing and reducing
3 numbers?

4 A Well, I would say that one of our goals in our
5 sector is to keep children at home and keep them safe at
6 home and if they can't be safe at home, to provide some
7 alternative care for them. I, I personally don't see the
8 incentive, as you describe it, being something that
9 agencies would engage in.

10 Q And of course, the incentive would not be because
11 they don't want to keep children in their homes, but in
12 terms of where you get -- or the basis upon which you
13 receive money, that, that's what I'm suggesting.

14 A Well, in the model, resources are provided for
15 children who are safe in their family homes and the same
16 allocation, one to 25, is provided for that. The incentive
17 is to move families to prevention and to keep families from
18 coming into our system.

19 Q And we'll talk about, about the sufficiency of,
20 of the monies that provided to the family enhancement
21 programs shortly --

22 A Um-hum.

23 Q -- I'm getting there and I think we're, you're,
24 you're following along.

25 While we're dealing with recommendations in

1 Strengthen the Commitment, if we turn to page 202 of the
2 document.

3 Which, Mr. Commissioner, is page 17.

4 Under the heading -- page 202, scroll down
5 please. There we go. Compliance with legislation.

6 It says:

7
8 "The CFS Authorities Act must be
9 complied with by government in
10 order to allow an ability to
11 compare the Authorities and their
12 level of funding and support from
13 government. The General Authority
14 structure should be amended to
15 conform with the legislation.
16 Although responsible for all non-
17 Aboriginal child and family
18 services according to the ...
19 Authorities Act, the General
20 Authority does not have any real
21 operating authority or
22 responsibility for Winnipeg CFS or
23 Rural and Northern CFS. Having
24 these agencies remain [with] the
25 central department is not only

1 contrary to the ... Authorities
2 Act, it makes comparison and
3 analysis among Authorities and
4 agencies difficult. It also
5 contributes to a sense of
6 unfairness in the child welfare
7 community because of a perception
8 that the government child and
9 family service agencies have the
10 significant resources of
11 government available to them [to]
12 cover over expenditure of
13 budgets."

14

15 And still on a similar theme, page 309, of the
16 same document, Strengthen the Commitment report, under the
17 heading: Transparency of Funding:

18

19 "Many of the resources in the
20 general authority are within the
21 Community Service Delivery
22 Division of the department. There
23 is a perception that the
24 government agencies under the
25 General Authority have significant

1 funds at their disposal and that
2 because of this, the resource
3 distribution to the Authorities is
4 inequitable and that the
5 government agencies are in an
6 advantageous position in relation
7 to the services available to those
8 children and families.

9 The general authority and some of
10 its agencies have access to
11 certain government resources such
12 as the payroll system, financial
13 administration and human resource
14 management that others do not have
15 access to and must purchase.
16 These dissimilarities are not
17 accounted for in any funding
18 model. Also, regional Directors
19 have been able to allocate
20 resources to child and family
21 services from other areas of the
22 regional operation."

23

24 And ultimately, the recommendation was:

25

1 "... that the government services
2 available to the General Authority
3 and its ... agencies be fully
4 costed to ensure that funding is
5 equitable. We also recommend that
6 ... government agencies be costed
7 and included in the allocation
8 of resources to the General
9 Authority to ensure transparency
10 of funding ..."

11

12 We also, just before I get to a question, we
13 heard evidence from, I think it was Shavonne Hastings, who
14 commented on concerns about not having the same resources
15 to do certain operational functions through their agency
16 that a government agency, like Winnipeg CFS, would have.

17 So has this been taken into account by the
18 department in its funding? Is anything going to be done
19 about the recommendations that we see in Strengthen the
20 Commitment?

21 A These recommendations were made in 2006. So
22 these were prior to the implementation of the funding
23 model.

24 In the funding model, Winnipeg Child and Family
25 Services and the regional offices are treated in the same

1 way as any other agency. So their funding is derived from
2 the same model. The -- Winnipeg Child and Family Services
3 and the regions, they are embedded in other divisions and
4 with respect though to the overall funding that they have,
5 it would be considered to be equitable to every other
6 agency that there is in the province.

7 Q Does an agency like Winnipeg, because it's a
8 branch of the Government, have access to some of the
9 services that the community service delivery division has,
10 which would allow them to obtain services at a lower cost?

11 A I believe that with the new funding model, that
12 they would be seen to be equitable to the other agencies
13 across the province. At this point in time, I'm not aware
14 of additional resources that they may have access to that
15 would be embedded within the, the government division that
16 they are.

17 Q So are you saying that there's no financial
18 advantage to Winnipeg CFS by virtue of its being a branch
19 of the Government?

20 A I believe that there may be some advantage with
21 some of the partnerships that have been developed --

22 Q Um-hum.

23 A -- and some of the support services and co-
24 location, however, some of those same partnerships would be
25 available to, to any other agency in, in the Province.

1 Q I don't know that you answered my question. Does
2 Winnipeg CFS have advantages that other agencies don't
3 because it's a branch of government?

4 A Not because it's a branch of government, I
5 wouldn't say.

6 Q Well, does it have advantages that agencies don't
7 for any other reason?

8 A I would say with some of the historical
9 relationships that they may have developed, because they
10 came into government in 2003, they may have partnerships
11 that exist that are not available, or haven't been as well
12 developed with other agencies.

13 Q Can you give me an example?

14 A I would say the, the access centres that were
15 health and social services co-locate. There was an early
16 decision to locate some of the family service units with
17 the access centres and so those partnerships that they've
18 developed would probably allow for some programming options
19 for clients of Winnipeg Child and Family Services.

20 Q But in terms of getting access to lower costing
21 of contracts, that sort of thing, with the new funding
22 model, Winnipeg CFS doesn't have access to something --

23 A I'm --

24 Q -- like that?

25 A -- I'm not aware of that. I mean, they would

1 have to follow, you know, if it's a, a contract, it would
2 have to be done through some RFP process very similar to
3 what the expectations would be for other agencies when
4 you're soliciting contracts and that type of thing.

5 Q Okay. There were a number of issues raised that
6 I'm sure you, you heard, in the, in the evidence that was
7 adduced through the Assembly of Manitoba Chiefs. There
8 were concerns about deficits that rural and reserve
9 agencies face, in comparison to urban agencies, because
10 they have to provide services at multiple sites and over
11 large geographic areas. How, if at all, has the new
12 funding model addressed that concern?

13 A That particular item was identified as part of
14 the first negotiation with the MOU. It was not addressed,
15 so it remains on the table as part of the discussions for
16 the next phase, or the next, next agreement.

17 Q Okay. And I'm just going by, by my notes, but
18 there was a concern raised that the new model doesn't take
19 into account increased operational costs that many First
20 Nations agencies face and they are required to use core
21 funding to make up their operational shortfall, which
22 ultimately reduces the number of front line workers that
23 they are using; is this -- is the same answer applicable?

24 A Well, in -- with respect to that item, at this
25 point, I would say that we do not have sufficient

1 information to come to a conclusion around that particular
2 item. We would have to do a much more thorough examination
3 of the, the, the, sort of the area that was identified as a
4 concern, to determine the, the scope, or the depth of the
5 concern.

6 Q Okay. Is that something you're open to
7 discussing?

8 A When we worked with the, the groups, in terms of
9 the development of the first five year agreement, we
10 acknowledged that there were areas that needed to be
11 revisited and that we would be doing that as we moved
12 towards the renewal of the five year agreement.

13 Q Okay. Ms. Freeman testified that she had heard
14 that the funding provided to family enhancement did not
15 provide the ability to perform sufficiently intensive work
16 to keep families from coming into care. We also heard
17 evidence from Sandie Stoker that the new SDM tool makes
18 providing families with differential response more time
19 consuming and that additional resources may be needed. Is
20 the department going to be looking at the adequacy of
21 family enhancement funding?

22 A Particularly in terms of the, the adequacy for
23 family enhancement, as we know, this was the first roll out
24 of the funding. Once we identify the number of cases in
25 family enhancement, we'll be in a better position to look

1 at the adequacy of the model, as well as the, the adequacy
2 of what was being referred to as the family support
3 dollars, or the, the \$1300 dollars for families.

4 We would also want to be looking at the other
5 support services that agencies engage, because we do fund a
6 significant number of community-based agencies who can also
7 provide an array of services to families from a prevention-
8 based focus. And so the opportunity there to access
9 supports and services outside of our system also exist.

10 Q And that's something that we're going to review.

11 Mr. Commissioner, I don't know what your
12 preference is for taking the lunch break?

13 THE COMMISSIONER: You're, you're not, you're not
14 going to be finished in the next 10 or 15 minutes, are you?

15 MS. WALSH: I will not.

16 THE COMMISSIONER: Pardon?

17 MS. WALSH: I will not be finished in the next 10
18 or 15 minutes.

19 THE COMMISSIONER: Well --

20 MS. WALSH: I probably need maybe an hour --

21 THE COMMISSIONER: -- well, then --

22 MS. WALSH: -- in total.

23 THE COMMISSIONER: -- shall we break until 1:45?

24 MS. WALSH: That would be good.

25 THE COMMISSIONER: All right. We'll --

1 MS. WALSH: Thank you.

2 THE COMMISSIONER: -- we'll rise now until 1:45.
3 I'm going to stay here and arrange this desk, it's getting
4 out of hand. But --

5 MS. WALSH: Okay. Thank you.

6 THE COMMISSIONER: -- we're, we stand adjourned
7 as of now.

8

9 (LUNCHEON RECESS)

10

11 THE COMMISSIONER: All right. Ms. Walsh?

12 MS. WALSH: Thank you, Mr. Commissioner.

13

14 BY MS. WALSH:

15 Q So Ms. Loepky, I want to focus now on prevention
16 and the measures taken towards family enhancement. I know
17 we've been talking about that all along.

18 Can you not hear me?

19 THE CLERK: (Inaudible).

20 MS. WALSH: How's that?

21 Yes? Okay. Thank you.

22

23 BY MS. WALSH:

24 Q Family enhancement and funding go hand in hand,
25 so funding issues will come up, but, but let's focus on, on

1 the prevention measures.

2 Let's start with the Changes for Children, page
3 21101, please.

4 Mr. Commissioner, if you -- I don't know if you
5 have this document in hard copy. This is Changes for
6 Children, CD1027.

7 THE COMMISSIONER: Yeah, I don't have them with
8 me.

9 UNIDENTIFIED PERSON: It's at tab --

10 THE COMMISSIONER: It's all right --

11 UNIDENTIFIED PERSON: -- tab 11 (inaudible) --

12 THE COMMISSIONER: -- you go ahead.

13 MS. WALSH: It's tab 11 of which, which one?

14 UNIDENTIFIED PERSON: The -- 64. Tab 11 of
15 binder 64.

16 THE COMMISSIONER: Well, I know where that is.

17 MS. WALSH: Thank you.

18 THE COMMISSIONER: Yes, go ahead.

19 MS. WALSH: You've got that? Okay.

20 THE COMMISSIONER: Yeah.

21 MS. WALSH: Thank you.

22

23 BY MS. WALSH:

24 Q So this document was from 2006, setting out the,
25 the department's responses to the 295 recommendations that

1 were made in the six reports that are listed in the order
2 in council, which set up this inquiry; is that right?

3 A That's correct.

4 Q All right.

5

6 "Theme 2: A Priority Emphasis on
7 Early Intervention for Families"

8

9 I, I just want to take a minute to focus on what
10 this was intended to be. The quote is from the report
11 Strengthen the Commitment, which we've been referring to a
12 fair bit and we'll continue to refer to. That was the --
13 it's called here the case management review, sometimes
14 called the external review --

15 A Um-hum.

16 Q -- and that quote says:

17

18 "Families need the opportunity and
19 assistance to provide appropriate
20 parenting. Intervention measures
21 are required that will allow
22 support to be provided to
23 [families] to reinforce the
24 benefits of keeping children in
25 their family and communities ...

1 Programs need to be developed
2 using community development models
3 to reinforce a child's sense of
4 belonging in a community and the
5 need for families to look after
6 one another."

7

8 And then if we scroll down, the recommendation
9 is:

10

11 "The Government agrees and will
12 immediately begin the work
13 necessary to implement the
14 recommendations for a
15 'differential response' early
16 intervention initiative."

17

18 And then it goes on to say:

19

20 "When fully operational, this
21 initiative will create a new
22 capacity to provide support
23 services where, following a
24 comprehensive assessment, it has
25 been determined that a child

1 protection investigation is not
2 warranted but that a family is
3 struggling with challenges. If
4 left unaddressed, the challenges
5 would likely result in children
6 being at risk in the future. The
7 'differential response' is a
8 preventative and supportive
9 approach that will be provided
10 early so that more intrusive and
11 adversarial child protection
12 responses may not be required. In
13 practical terms, this can include
14 funding for intensive casework;
15 respite service for parents;
16 income supplements; housing
17 assistance; in-home family
18 support; and active support to
19 attend community-based programs."

20

21 If we could just go to the next page please.

22

23 "Much of this approach will
24 involve more formal linkage with
25 community-based service providers.

1 In all situations, the safety of
2 children will remain a paramount
3 consideration."

4

5 Would you agree that with the comments that
6 we've, we've heard throughout this inquiry, that poverty,
7 homelessness, substance abuse, are among the predominant
8 factors that lead families into relying on the child
9 welfare system?

10 A Yes, I believe that's what the research would
11 also indicate.

12 Q And if we just go back to the page before please
13 and scroll down to the bottom of it, thank you. In
14 discussing the prevention response to a delivery of
15 services, the reference to:

16

17 "In practical terms, this can
18 include funding for intensive
19 casework; respite service for
20 parents; income supplements;
21 housing assistance; in-home family
22 support; and active support to
23 attend community-based programs."

24

25 Now, do you agree that all of those things were

1 critical to be funded?

2 A I believe that those were examples that were
3 provided. Some of them would be funded through Child and
4 Family Services. Other items in that list are often funded
5 by other government departments or services.

6 Q Okay. And my question was simply, regardless of
7 where the funding comes from, do you agree that housing
8 supports, income assistance, that sort of thing is
9 important, critical, to be funded adequately to support
10 families.

11 A I believe that families require that kind of
12 support in order to be able to parent with their children,
13 if they are at -- vulnerable or at risk, yes.

14 Q And to prevent them from becoming vulnerable?

15 A Correct.

16 Q So then my next question is, has the department
17 itself provided the funding for these types of program and
18 if not, has it worked with other government departments to
19 provide things like housing supports, employment supports?

20 A There would be a couple of items in that listing
21 that would not be the primary responsibility of, of my
22 division. Certainly when we were Family Services and
23 Housing, there was the opportunity to work very
24 collaboratively, as there still is now, to work with
25 Housing, to identify opportunity for supportive housing for

1 families who would be in need. And also with respect to
2 income supplements would be working along with Employment
3 and Income Assistance. So those would be two areas that I
4 would say where we do not have a direct relationship with
5 needs that are expressed by families, but we certainly have
6 the opportunity to work collaboratively with those
7 particular areas.

8 Q And what --

9 A Those --

10 Q -- are you doing -- is your department doing
11 anything concrete with Housing and Income Assistance, for
12 instance, by way of prevention services to families?

13 A We are. We are looking at a pilot project right
14 now where we have contracted with Ka Ni Kanichihk in order
15 to look at the provision of services, it could be, include
16 pre-employment programming, life skills programming,
17 housing and also assistance, in terms of completing school,
18 for youth leaving care.

19 In other situations, it may be on a case-by-case
20 basis that we would have working relationships in order to
21 identify solutions or problem solve around issues.

22 Q So this Changes for Children document was
23 published in October of 2006?

24 A Yes.

25 Q So that was seven years ago. Have the various

1 departments responsible for housing, education, income
2 assistance, have they sat down with this Changes for
3 Children document in mind and said, okay, what's our plan
4 going to be?

5 A Well, in terms of looking at housing, as an
6 example, when the Home Works Initiative was launched by
7 government, which was really looking at both housing and a
8 poverty reduction approach, the Changes for Children
9 initiative was certainly something that that group would
10 have been aware of, because there were elements of it that
11 we included in Home Works, for example, or in the poverty
12 reduction strategy that had an application to us. So I --

13 Q So --

14 A -- I'm not too sure if they took the Changes for
15 Children document or whether they were briefed orally on
16 it.

17 Q So is your answer to my question, no?

18 A My answer is that it was likely used as a
19 backdrop to develop the framework, but I'm not too sure how
20 it was actually used.

21 Q Okay. But in terms of this report being an
22 opportunity for a variety of government departments to sit
23 down together and say, how are we all going to work
24 together to support families and increase prevention
25 efforts across the government, that has not happened?

1 A We established an ADMs' committee with
2 significant government departments that would have a
3 relationship to Changes for Children. This included
4 Justice, Education, the homeless initiative/housing, as
5 well as Health and Healthy Living and the Healthy Child
6 office.

7 Q Um-hum.

8 A So early on, when Changes for Children was
9 published, the ADM, Peter Dubiencki and myself, met with
10 government departments where there were recommendations
11 that would affect them and we went through the document and
12 through the recommendations, so that they were aware of
13 what would be coming down the pipe for them. And once that
14 was done, there were a number of initiatives that were
15 worked on together, in inter-departmental committees.
16 Those being the fetal alcohol spectrum disorder strategy
17 and the suicide prevention strategy. And then in addition
18 to that, there were a number of recommendations that were
19 provided to this inter-departmental committee of senior
20 officials, ADMs, to develop responses to those. And those
21 included, in particular, ones around areas where we had to
22 work with the health sector significantly and that was
23 primarily around suicide prevention and some work around
24 the education sector, developing some revised or renewed
25 protocols to deal with children entering school when they

1 were in care.

2 So there, there is a structure and a process that
3 was established as the result of this and there was a, a
4 fairly comprehensive communication strategy right at the
5 very beginning, to identify those recommendations that were
6 applicable to other government departments and/or their
7 services.

8 Q And concrete programs that you can point to are
9 the suicide prevention programs and an FASD program?

10 A That's right.

11 Q Thank you. In terms of the reference to
12 identifying an approach that will involve a formal linkage
13 with community-based service providers, that's on the next
14 page, at the top of the next page, has that happened?

15 A In terms of looking at the formal linkage, I
16 would say that we do not have a, a departmental formal
17 linkage. What we do have is, with each of our community-
18 based providers that we fund, we have a service purchase
19 agreement with them and in the service purchase agreement,
20 there is the identification of the services, supports and
21 expectations that we would have with these particular
22 groups. Many of them would be providing services for
23 families, for children and for youth and they would be both
24 formal programs and also informal programs that they would
25 organize around some needs that individuals might have.

1 Q Let's look at the Manitoba Differential
2 Response/Family Enhancement Approach Evaluation Framework
3 document that was produced in 2009 at page 22073, for
4 example. And this is CD1067.

5 Just scroll down to see a little bit more of the
6 page please, thank you.

7 So this document, under the heading: Objectives,
8 identifies the first bullet:

9

10 "Improving the capacity of the
11 Child and Family Service system,
12 inclusive of community partners,
13 to provide prevention and support
14 services to families struggling
15 with challenges if left
16 unaddressed will likely result in
17 the future need for protective
18 services for their children"

19

20 And then the second bullet from the bottom:

21

22 "Enhancing capacity for agencies
23 and community service providers to
24 respond to families diverted as
25 part of [differential

1 response/family enhancement]"

2

3 Would you agree that in order for the
4 differential response delivery model to be successful,
5 there have to be strong community-based agencies and
6 programs?

7 A I would say yes and I would also add that there
8 have to be strong relationships with agencies and the
9 authorities to develop the approaches and the types of
10 programs that would be most beneficial.

11 Q So what has the department done to improve the
12 capacity of community partners, of agencies and community
13 service providers?

14 A Well, there are a number of program areas where
15 we were able to identify project-based funding that now
16 became ongoing on base funding for organizations that were
17 providing programming. And that provided a level of
18 stability to the organization. They didn't have to rely on
19 project funding to the same degree. We've looked at a
20 number of program enhancements to the agencies, the, the
21 mandated agencies that provide services and some of them
22 would be considered to be therapeutic initiatives and I'm
23 thinking of, for example, a program that we supported with
24 Ma Mawi and Ka Ni Kanichihk, whereby young women, in
25 particular, who are vulnerable and at risk, are being

1 supported again in a, more of a therapeutic and supportive
2 environment.

3 Q As part of implementing the differential response
4 family enhancement delivery, did the department consult
5 with community agencies?

6 A At the very beginning, again, when Changes for
7 Children was released, we did have some meetings with a
8 group of service providers that provide primarily services
9 in the downtown area. We went through the document. There
10 were discussions about the potential role that they would
11 be able to assume and also that there was a key provision
12 that was needed, which was building the relationships, so
13 that there could be cooperative or supportive programming
14 between authorities and agencies.

15 Q And how did the department determine which
16 agencies to consult with, for instance?

17 A That was actually an overture that we had from
18 the community-based agencies and they identified a, a
19 number of individuals that would be representative of some
20 community-based agencies.

21 Q Does the department have a, a specific policy, or
22 plan, with a set budget, for funding these community-based
23 agencies and ensuring their capacity?

24 A Well, what we do have is a historical, again,
25 funding, that have, has gone to a number of community-based

1 agencies. These would be the ones that were funded out of
2 the appropriation that I have responsibility for. There
3 are additional resources that are provided, even to some of
4 these same organizations that are funded through my
5 appropriation, by other government departments.

6 So within the provision of, of the government,
7 there were opportunities for funding through such programs
8 as the community schools initiative, which was funded out
9 of the Department of Education. There was funding through
10 Neighbourhoods Alive, some through justice programming and
11 each one of these would establish a service purchase
12 agreement. So that's really the, the, the, the tool that
13 we use.

14 Q Has there been a change in the amount of funding
15 that is going to these community agencies, as the result of
16 the DR model?

17 A I'm not too sure if I can say that it's as a
18 result of the DR model, or it's a result of identified
19 initiatives that the groups have come forward with, as a
20 response to identify needs in the communities. So I'm not
21 too sure if I could say it's the result of one or the
22 other, or a combination of them.

23 Q Is the department confident that community
24 agencies have increased their capacity sufficient to
25 respond to a DR model of service delivery?

1 A I would say that they have received funding, that
2 they have a funding base that allows them to provide a
3 significant amount of programming, programming, but I also
4 believe that we have heard from the groups that they could,
5 indeed, also benefit from additional resources.

6 Q Do you plan to hold anymore consultations with
7 community agencies to look at what's needed to support DR?

8 A We generally meet with the agencies as we're
9 reviewing their service purchase agreements and during that
10 discussion, each agency has the opportunity to identify
11 where there are pressures, from a financial point of view,
12 or, or from a service provision point of view are and on an
13 annual basis, as we develop our budget, we identify some of
14 those as a request for funding and based on the priorities
15 that we have within government as a whole, there are years
16 that we have been successful through that process, to get
17 additional resources and at other times, those requests
18 have had to be deferred.

19 Q So funding doesn't always flow as requested --

20 A No.

21 Q -- which is probably true for just about every
22 request to government for funding.

23 A Correct.

24 Q We are going to hear, in phase 3, from a number
25 of agencies that you have identified, you, the department,

1 has identified as being funded and so we'll be able to
2 explore that issue from, from their perspective.

3 How often are these service purchase agreements
4 renewed?

5 A Some of them are three-year agreements and there
6 are some, I believe, that are now five-year agreements.

7 Q And you identified that some of the community
8 agencies would be funded not from your department, but from
9 other government departments?

10 A That's correct.

11 Q And again, is there any identifiable, articulated
12 document, policy, piece of legislation, that says these
13 departments are going to be responsible for coordinating a
14 response to fund community agencies, to ensure that those
15 agencies have the capacity necessary for differential
16 response?

17 A I would say, at this point, no.

18 Q You think that's something that would be
19 worthwhile?

20 A Yes, I do.

21 Q What would it look like?

22 A I think one of the things that, in government,
23 has occurred is that through the development of an annual
24 budget cycle, there is the opportunity to have multiple
25 government departments come together to develop basically

1 what they would see as approaches or changes in the
2 delivery of the administrative components of their
3 responsibilities. And this could occur in, in a similar
4 kind of fashion whereby, with an analysis of all of the
5 funding that is provided, because, as we have heard, there
6 are many community-based agencies, many community-based
7 services and they cover a wide range of types and types of
8 services.

9 And I recall, in 2006, as an example, there was a
10 study done of a small area in one of our most highest need
11 communities in the inner city and it was referred to as the
12 21 area block study. It identified all the services and
13 the resources and the supports that were available for that
14 particular community and it identified the need to look at
15 better access and coordination mechanisms for those
16 services to be maximized to their fullest.

17 Q Okay.

18 A So I believe that there could be multiple levels
19 of that kind of coordination, one at the government level,
20 which was some of the organizations that received funding
21 from multiple departments. We do one SPA, as compared to
22 five SPAs, so there's already --

23 Q Right.

24 A -- a, a coordination from an administrative point
25 of view. But it could also be at the local level and there

1 we have seen some positive initiatives where communities,
2 along with the other service sectors, have come together to
3 begin to look at planning and the delivery of services for
4 community areas. Some of those have lasted for a long
5 period of time. Others were pilots where things were
6 learned. Some had better results than others and some had
7 unanticipated results. So there, there is an opportunity,
8 I think, to do it at multiple levels, but I think the best
9 opportunity that happens is when service providers get
10 together in the community, at the local level and see what
11 the needs are and what they have, as resources, and how
12 those then can be utilized.

13 Q Okay. Then there has to be someone in government
14 to hear them?

15 A Correct.

16 Q Thank you. Still looking at what's been said
17 about what's needed for differential response, if we pull
18 up page 38950, this is from CD1850, and this was the
19 Evaluation of the General Child and Family Service
20 Authority's Differential Response/Family Enhancement Pilot
21 Project. It was conducted by Dr. Brad McKenzie. And if we
22 turn specifically to page 39090, and this is also from
23 2009, I think. If we go down to the bottom, to
24 recommendation -- these were recommendations pertaining to
25 the Manitoba Child and Family Services system. If we go

1 to number 17:

2

3

"That a comprehensive prevention

4

and early intervention strategy

5

for child and family services be

6

designed, funded and implemented

7

by the Department of Family

8

Services and Consumer Affairs, in

9

conjunction with the four

10

Authorities, and that such a

11

strategy identify steps that can

12

be taken to realize a continuum of

13

prevention and early intervention

14

services. These should include:

15

•the expansion of resource

16

centres;

17

•family based services utilizing a

18

'family enhancement' or 'family

19

assessment' approach ...

20

•family reunification services;

21

•services to youth transitioning

22

from care; and

23

•increased partnerships with other

24

government services and other

25

community based organizations that

1 operate outside the formal child
2 welfare system but have essential
3 roles to play in promoting the
4 well-being of children and
5 families in Manitoba."

6

7 So this is after Changes for Children, when the
8 DR/FE programs are being analyzed. Again, the
9 recommendation is consistent that:

10

11 "... partnerships with other
12 government services and ...
13 community based organizations ...
14 outside the ... child welfare
15 system [be established and
16 enhanced]"

17

18 A That's correct.

19 Q And if we go to the last page of that document,
20 page 39092, again, the last paragraph, Dr. McKenzie notes:

21

22 "The final recommendation
23 recognizes that DR is not, by
24 itself, an adequate response to
25 the need for early intervention

1 and prevention services for
2 families where child welfare
3 concerns exist. Although it is
4 recognized that a number of such
5 services do exist these need to be
6 expanded and more effectively
7 coordinated to meet the needs of
8 Manitoba families. Manitoba has
9 the highest rate of children in
10 care among the ten Canadian
11 provinces, a rate that also
12 exceeds most jurisdictions in
13 other countries, and the outcomes
14 for children in care, although
15 improving, remain marginal at
16 best. Although these marginal
17 outcomes can not necessarily be
18 attributed to the ... system, it
19 is quite obvious that increased
20 investment is required in
21 promoting the well-being of
22 families and children before
23 placement becomes necessary.
24 Interventions from these
25 investments provide future

1 benefits that far exceed the
2 initial costs."

3

4 And so this is something that was made known to
5 the, not only the General Authority, but to the government
6 as well?

7 A That's correct.

8 Q And is there anything that you haven't told us
9 about efforts that the Government has taken to ensure that,
10 that these community-based services are expanded and more
11 effectively coordinated?

12 A I believe that I've mentioned a number of things
13 that would be the departmental approach with respect to the
14 service purchase agreements and also encouragement, at the
15 local level, for groups to gather together to develop
16 approaches for unique communities and neighbourhoods.

17 Q So that's not coming from the department, that's
18 something coming from the community?

19 A That's right.

20 Q And of course, prevention has a beneficial impact
21 on families. It has a beneficial impact on workload; is
22 that right?

23 A I would say it does, yes.

24 Q And on, as we've discussed, a, a cost-benefit
25 analysis in funding?

1 A Yes.

2 MS. WALSH: So, still talking about funding and
3 prevention, let's pull up Strengthen the Commitment again,
4 page 281. It's page 96 of your copy, Mr. Commissioner.

5 THE COMMISSIONER: Thank you.

6 MS. WALSH: If we can scroll down to the heading:
7 Services for Families please, to Families.

8

9 BY MS. WALSH:

10 Q And so again, Strengthen the Commitment, as a
11 report, was quite an extensive report, but it, itself,
12 focused quite extensively on the issue of prevention, based
13 on the review that it did, in speaking with workers within
14 the system and users of the system. It said that every --
15 this -- at this page, says:

16

17 "Every focus group conducted by
18 the review team identified the
19 disparity that exists between the
20 ability to respond to child
21 protection concerns and the
22 capacity to address families'
23 requests for voluntary services.

24 [The designated intake agencies]

25 advised that when families access

1 the child welfare system seeking
2 supportive services such as
3 respite, and in-home support they
4 are referred to social service
5 organizations within the
6 community. However, it was
7 reported that some families do not
8 meet the referral criteria for
9 these programs, yet the agency
10 does not have the capacity to
11 assist in providing the support
12 services families require.

13 Workers across the province
14 claimed that families on existing
15 service caseloads, where children
16 are at home or are in temporary
17 care, have difficulty accessing
18 services in the community. Some
19 agencies have made administrative
20 decisions to fund a
21 support/prevention unit. The
22 purpose of these positions is to
23 provide support to the family by
24 way of teaching parenting skills,
25 delivering life skill programming,

1 informal counseling and mediation
2 ... However, we have learned that
3 due to staff shortages, increased
4 case complexity, and the impact
5 that paperwork, reporting and
6 geography have on workload, these
7 positions have either been
8 discontinued or reassigned ...
9 Child protection workers in the
10 field have expressed concern that
11 the ability to access preventative
12 programming and supportive
13 services is fundamental to the
14 reunification of children and the
15 preservation of the family unit."

16

17 If we can turn the page please?

18

19 "The risk of not providing the
20 supportive services to assist
21 families of children in care
22 results in children remaining in
23 care for longer periods of time."

24

25 And then it goes on to identify that:

1

2

"In order to access supportive and
preventative services [some, in
some instances, children are being
placed into voluntary placement
agreement, in order] to secure
funding [through that stream]."

3

4

5

6

7

8

9

10

And if we go down to the recommendations, just
scroll down:

11

12

13

14

15

16

"We recommend that alternatives to
the interventions currently used
in the child welfare system be
researched, evaluated and planned
...

17

18

19

20

21

22

We recommend that adequate funding
be made available for family
support programs to be accessed by
families regardless of whether or
not the child is in the care of an
agency."

23

24

And:

25

1 "We recommend ... the Authorities
2 monitor the agencies use of
3 [voluntary placement agreements]
4 and ensure that they are entered
5 into [in] under the appropriate
6 circumstances."

7

8 I.e. not to enable supportive funding.

9 A Um-hum.

10 Q Which is consistent with the kinds of things that
11 we heard Elsie Flette raise --

12 A Um-hum.

13 Q -- concerns about. Now, I recognize that when
14 this report was written, it pre-dated the new funding
15 model --

16 A That's correct.

17 Q -- but can you tell us, how have these matters
18 and these recommendations been addressed by the department?

19 A In, in terms of looking at the work that has been
20 done to design and implement the family enhancement
21 program, the funding support that is allocated goes to a
22 Child and Family Service agency, so that they can
23 appropriately work with the family, assess the family's
24 needs and identify where the family has identified the most
25 significant issues that they want to address.

1 So the other piece that came into here was the
2 family support dollars, which is a fund of dollars that an
3 agency receives. And we heard, from a number of other
4 witnesses that, a amount that is used currently, \$1,300, is
5 felt to be inadequate for those services. As, as we know,
6 the funding model was, is new. We're in our first five-
7 year series of it and that's certainly something that, as
8 we go along, we would want to have agencies and authorities
9 identify specifically what the concerns are, what they use
10 the dollars for, where they see the gaps and then we would
11 be able to make a much more information-based decision
12 around the value of that particular resource to support
13 families.

14 So I would say that the, the framework is
15 included in the, the funding model. The, the criticisms
16 that we've heard are about the adequacy of the dollars.

17 Q And there's no question that the government, the
18 department and the government, are committed to the
19 concept, the importance of funding prevention initiatives?

20 A That's correct. I think if we look at not only
21 the components that are funded through our department, but
22 the components of prevention programming and early
23 intervention that are funded through Healthy Child
24 Manitoba, through the Early Learning and Childcare Branch,
25 which is for, for daycare and early learning and also

1 provides support for families who may need social supports
2 for, for childcare, as well as some of the other
3 departments that fund neighbourhood initiatives to support
4 community-based work. I'm thinking of Neighbourhoods Alive
5 there.

6 MS. WALSH: Let's go to page 219 of Strengthen
7 the Commitment.

8 That's page 34, Mr. Commissioner.

9 THE COMMISSIONER: Thank you.

10

11 BY MS. WALSH:

12 Q Again, this was a place in the report which
13 addressed concerns for the adequacy of prevention funding,
14 specifically, the authors identified that:

15

16 "Among the recommendations made by
17 staff interviewed at Aboriginal
18 agencies, resources for prevention
19 and family preservation services
20 topped the list. Several
21 Aboriginal agencies attempt to
22 offer prevention services for
23 their children and families.

24 Examples of those efforts involve
25 the hiring of 'prevention workers'

1 whose efforts are aimed at
2 developing trust relationships ...
3 Others include engaging in
4 community efforts ...
5 There are serious challenges ..."

6

7 And I'm, I'm not reading it word for word.

8

9 "... however with succeeding in
10 these efforts without adequate
11 dedicated resources. Agencies
12 who have hired 'prevention
13 workers' ..."

14

15 In quotation marks.

16

17 "... find that the diversion of
18 resources to this function results
19 in shortfall in other areas and
20 adds to the workloads of front
21 line workers with other
22 responsibilities. Prevention
23 workers will often find themselves
24 fulfilling roles of protection
25 workers and at times having to do

1 apprehensions. This is contrary
2 to the prevention function and
3 defeats the work being done with
4 families in building trusting
5 helping relationships necessary
6 for prevention and early
7 intervention."

8

9 If we can just scroll down a little bit please.

10

11 "Some agencies have taken children
12 into care so [that] they can
13 provide support even when there
14 are no protection concerns. This
15 is sometimes achieved by the
16 use of a Voluntary Placement
17 Agreement ... [as we discussed, or
18 as was discussed in the report]."

19

20 Now, is it your evidence that now, with the new
21 funding model, money for prevention cannot be sacrificed or
22 diverted to the protection stream?

23 A Yes.

24 Q And how is that achieved, or prevented?

25 A Well, in terms of the, the funding model is built

1 again there on the number of cases. So for the provincial
2 side, there are a certain number of -- you, you have the
3 ratio for the number of workers to the number of children.
4 In the allocation then of the resources, when you would go
5 to the updates on the business plans, we would be able to
6 determine whether resources were being applied in the way
7 in which they were, the revenue was generated.

8 Now, in terms of looking at this particular
9 series of recommendations, a Federal -- or aboriginal
10 agencies working on reserve at this time were not able to
11 use family protection resources, similar to what -- or as
12 non-aboriginal agencies were and they also did not have
13 prevention funding. So for on reserves cases there was a
14 sense that children had to be taken into care in order for
15 them or their families to receive some type of service.

16 So the new funding model, with its categories of
17 service, should prevent this.

18 Q But it may be that it's not until you -- parties
19 renegotiate, or take a, a review of the funding model that
20 it's determined whether, in fact, there are enough
21 resources to fund the prevention aspect of an agency's
22 work?

23 A That's right. The evaluation of the, the funding
24 model, which is, there's a commitment to do that, would
25 help us to give us the information and the data to make

1 those determinations.

2 Q I think we heard Elsie Flette say that if there's
3 a deficit in the operational line, that they may have to
4 put family enhancement money into protection; do you
5 remember hearing her saying that? Or words to those
6 effect, to that effect?

7 A I'm afraid I don't, but it, it could have been
8 that she would have said that.

9 Q And so if that's happening, that would be
10 something that would become the subject of review for 2015?

11 A Yes.

12 Q Okay. Does any prevention money come from the
13 Federal Government, or does it all come from the Province?

14 A The prevention funding comes from both the
15 Province and from the Federal Government.

16 Q In that 60-40 ratio?

17 A No, that would be in the assumption model for the
18 percentage of families that they believe would become in
19 contact. I believe it's 20 percent, is what they use, from
20 the population base.

21 Q In terms then of identifying whether sufficient
22 resources have been put into family enhancement, which
23 we've seen repeatedly said is so important and with which
24 you certainly agree, is a statement that it's important,
25 Ms. Stoker testified that, I think it was 22 percent of her

1 budget is directed at family enhancement or prevention. So
2 that's less than a quarter of ANCR's budget; does that
3 reflect an emphasis on family enhancement?

4 A Well, I believe that it certainly, when you
5 consider the stage that we're at, with the introduction of
6 the new funding model, demonstrates that there is a
7 dedicated allocation. Would we want to see the shift of
8 resources from apprehension and protection with children in
9 care to prevention? The answer to that is yes. We know
10 that that's not going to occur quickly, because the
11 prevention programs need to get established and ensure that
12 the families then are receiving the kinds of services where
13 they will not have further contact with us, in a, in a
14 protection manner.

15 So, from previous jurisdictions, we know that
16 this takes a period of time.

17 Q In order for the prevention programs to get
18 established though, they would have to be adequately
19 resourced?

20 A They would certainly --

21 Q Would you agree?

22 A -- I would agree that the prevention programs
23 need to be resourced and I think when we introduced
24 prevention, we knew that we were providing resources that
25 were actually above the caseloads that were being

1 identified, because there have to be a, a starting point.
2 And once we see agencies identifying more families that are
3 within the family enhancement program for the provincial
4 side, those are also generated by a case sensitive funding
5 approach. So there will be some incremental funding in
6 that way.

7 Q Um-hum. But in order for prevention to succeed,
8 prevention programs to succeed, would you agree, they have
9 to be adequately funded?

10 A Yes, I think programs need to be adequately
11 funded in order to have a, an impact. I also think that
12 good evaluations of programs have to be done and that the
13 importance then of using that information, to shape
14 programs, for the future, is needed.

15 Q Okay. And we'll come to evaluations in a minute.
16 Thank you.

17 When you provided Exhibit 68, page 21321, which
18 showed a number of additional positions that many agencies
19 received, despite 25 pilot projects, many agencies have no
20 workers assigned for prevention. So how does, how does an
21 agency offer family enhancement if it's not getting
22 additional staff to do that?

23 A Well, in the first two phases of family
24 enhancement, resources, financial resources were provided
25 to the authorities, who, in turn, worked with their

1 agencies to do two things. The first grouping was to
2 identify differential or family enhancement coordinators at
3 the agencies and at the authorities. And they took on the
4 role of doing research, doing education and training with
5 the agencies and started to look at the service delivery
6 models that would be of most value to their agencies.

7 In the -- once the -- and there was dollars that
8 were attached to the pilot project, so --

9 Q So, in some cases, agencies had to choose some
10 other service, other than a family enhancement service for,
11 to be staffed?

12 A Well, in -- with the differential response family
13 enhancement dollars that were identified, there were sums
14 of money that were provided to the authorities to implement
15 those 25 pilot projects. So, in some cases, if there were
16 the requirement for a staff, or a researcher to work with
17 them, if they were testing out a program, like a family
18 resource centre, and they wanted to make a financial
19 contribution to that particular entity, that's the kind of
20 work that went on during the pilot phase. And then the
21 information from the pilots was used to begin to develop
22 their service delivery models that they would have within
23 their authorities and agencies.

24 Then when the funding model got fully rolled out,
25 in '10, that was when the beginning of the staffing for the

1 agencies really took effect.

2 Q So this --

3 A So there was a couple of phases prior to the
4 rollout of the new funding model.

5 Q Okay. So this chart, which has been identified
6 as, as showing additional positions since Changes to, For
7 Children, from '06/07 to the present, doesn't really
8 reflect family enhancement positions?

9 A That's right. This was --

10 Q Okay.

11 A -- the present here is a -- because this was a
12 document that was done awhile back, this was prior to the
13 implementation of the new funding model.

14 Q What's the date, when it says to the present,
15 what's the date?

16 A I think in my evidence, on my first day, it would
17 have taken us to '09/10. So just prior to the
18 implementation of the new funding model.

19 Q All right. If we go to page 23516 and we looked
20 at this -- can we scroll down please, to see the table.
21 Positions for the authorities.

22 Now, I see a differential response specialist,
23 but your counsel was careful to point out that differential
24 response and family enhancement are not interchangeable
25 terms; is that right? Do you agree with that?

1 A Well, I think we see this as --

2 Q So wait, just --

3 A Sorry.

4 Q -- sorry, let me ask the question. First of all,
5 do you agree that differential response and family
6 enhancement are different terms?

7 A Yes, they are, but they have often been used
8 interchangeably, unfortunately.

9 Q All right. So my question was, I do not see a
10 family enhancement specialist listed as an authority core
11 funded position?

12 A And in this particular chart, that's where that
13 interchangeability was actually used. This would have been
14 the attempt to look at providing the family enhancement or
15 prevention focused services.

16 Q Okay. Thank you. Now, you talked about
17 measurement. Is the Government planning to assess whether
18 the steps it has taken so far, towards prevention and
19 family enhancement are sufficient?

20 A There is a commitment to do an evaluation of the
21 family enhancement program. Resources for that have been
22 identified. The Federal Government has also identified
23 their interest to look at an evaluation process and our
24 intent would be to do that in a joint manner.

25 Q What period of time will be looked at?

1 A It would be the start of the funding model. So
2 it would be starting from October '10 and information would
3 be collected over, from, starting from that point in time.
4 And we would then, I believe, look to start the evaluation
5 in some of our preliminary conversations that we've had,
6 this isn't final as yet, in the, probably, '13/14 fiscal
7 year.

8 Q And what is it that will be measured?

9 A There are a number of items that we identified in
10 our original valuation framework that we, as the province,
11 would be taking to the table. And the Federal model,
12 called the enhanced framework for prevention, and I'm not
13 too sure of the acronym there, also identifies a number of
14 goals and outcomes that have been identified.

15 Q Can you --

16 A So --

17 Q Sorry, go ahead.

18 A -- so we would be looking at developing, likely,
19 a, a format where we would be collecting some baseline
20 information and then using that baseline information on an
21 ongoing, in an ongoing way, to monitor the implementation
22 over a longer period of time.

23 Q So the exact measurement strategy has not been
24 identified yet?

25 A Well, we do have the evaluation framework that we

1 started with and this was very early on in the development
2 of the prevention programming. It would be considered
3 right now a discussion document and then we would be
4 formalizing that once we start our work with the, the
5 Federal Government, to begin to look at finalizing the
6 approach that we would take in Manitoba.

7 Q So do I understand you to be saying that both the
8 provincial and the Federal governments will be looking at
9 assessing the success of the differential response service
10 delivery model?

11 A Yes.

12 Q And will that be in 2015?

13 A I believe we'll be starting in the year '13/14.
14 The timelines for completion, I don't have.

15 Q And will that, the results of that measurement be
16 reported publicly?

17 A I don't have a sense of that as yet, but we've
18 been very public with a lot of our evaluations and our
19 information that we do have.

20 Q Is it fair to assume that at some point, if the
21 model is successful, we should expect to see the numbers of
22 families who receive support and prevention services
23 increase --

24 A Yes.

25 Q -- and the numbers of children in care decrease?

1 A Yes.

2 Q And then, eventually, should we expect to see the
3 numbers of children and families who receive services of
4 any sort from the child welfare system decrease?

5 A Well, I think that's a very hard yes or no
6 answer, because there's so many circumstances beyond the
7 child welfare system that impact a, a family and their
8 capacity to, to parent.

9 Q But in order to be successful, differential
10 response has to involve more than just the child welfare
11 system?

12 A Absolutely.

13 Q So if all of the systems that government can
14 oversee and influence are working together and the
15 agencies, including enhancing the capacity of agencies
16 beyond the child welfare system, at some point, would you
17 agree, we should see the number of families who need the
18 child welfare system at all decrease?

19 A Yes.

20 Q And that would certainly be the goal of
21 differential response/family enhancement?

22 A It is.

23 Q Let's talk about the strategic plan. How does
24 the department measure whether the child welfare system is
25 effective currently?

1 A Currently, we would say that our approach has
2 been to identify inputs, what we put into the system and we
3 also have a lot of information about the use of our system.
4 As we move forward, we're looking to implement a number of
5 the outcomes from the national outcomes measurements
6 project that we're a part of, as one of the jurisdictions
7 across Canada. Our first outcome that we have been working
8 to collect data on, that we feel we now have reliable data,
9 is around the recurrence of service. So that is something
10 that we will be reporting in our next annual report. So
11 we've already established how the data is collected, how
12 it's reliable and we will be prepared, in our next annual
13 report, to make information available about that.

14 Q Is the department going to measure outcomes such
15 as educational success?

16 A With educational success, our, our starting point
17 right now is a partnership that we've developed with the
18 Manitoba Centre for Health Policy and we are embarking on a
19 research study right now, along with the authorities and
20 Healthy Child Manitoba, to look at the factors that
21 contribute to the success of children in care in schools.
22 So that will be a, a first start.

23 Q So this is new?

24 A This is new, yes.

25 Q Okay.

1 A And we want it to be based in some research, so
2 that as we move forward, we will have a better model to
3 rely on, in terms of not only measuring, but the kinds of
4 interventions that both schools and agencies can move
5 forward on for, for kids in care.

6 Q So you said that you're going to be working on
7 developing or working with the, the national outcomes
8 matrix?

9 A Yes.

10 Q Up until that point, how has the department
11 measured whether the child welfare system is effective?

12 A Prior to the, our participation in, in the
13 national outcome measures project?

14 Q Which is something that is just taking place,
15 beginning to take place now --

16 A Um-hum.

17 Q -- is that right?

18 A Yes.

19 Q Yes. So prior to that, how has the department,
20 if at all, measured the success of the child welfare
21 system?

22 A Well, the, the focus on outcomes is fairly new
23 and it would be new for Manitoba, as well as many of the
24 other jurisdictions across Canada.

25 Q So what has the department looked at?

1 A The department looks at certainly the number of
2 children in care --

3 Q Right.

4 A -- the number of children who are safe in care.
5 So we look at our statistics around injuries, accidental
6 deaths and deaths from natural causes and, and the likes,
7 so basically safe in care. We also look at the compliance
8 with what we would consider to be the most significant
9 factors, in terms of safety and this is something that we
10 started over the last while to look at. For example,
11 sharing with agencies and authorities, information about
12 face-to-face contact, because that, we believe, is one of
13 the most important contact issues, in terms of safety of
14 children. So there is regular contact between us with
15 that. And then we also know that some of the authorities
16 have set up some of their own outcome measures that we are
17 monitoring through the business plan process, because
18 they've identified them in there. And as we move forward,
19 we'd also want to see what the authorities and the agencies
20 say that they've accomplished through the business plan
21 process, because there are goals and objectives in those
22 particular business plans.

23 Q So, at this point, what is the goal of the child
24 welfare system?

25 A The goal of the child welfare system is to keep

1 children safe and to develop supportive programming so that
2 families gain better skills and strength to parent on their
3 own.

4 Q And up until now, the primary way in which the
5 department has measured the achievement of that goal is to
6 look at the statistics of the numbers of children in care?

7 A That's correct, yeah and the number of families
8 receiving service, voluntary services, the number of
9 expectant parents. So there, there's a fairly large amount
10 of information and data that can give information about
11 trends, whether things are increases or decreasing and the
12 like. But we have not been focused on an outcomes
13 framework.

14 Q And that is now going to start?

15 A Yes.

16 Q Okay. The auditor general's follow up report
17 from 2012, which was Exhibit 43, identified that the
18 department was still working on its goal setting, by virtue
19 of its strategic plan; is that something that's going to be
20 finalized shortly?

21 A Yes, actually, the divisional plan has been
22 complete and now we will be using that divisional plan to
23 incorporate it into our departmental plan, which is an
24 exercise that we start now, once the, the budget has been
25 finalized for the fiscal year.

1 MS. WALSH: And Exhibit 72, I think this was,
2 this is Exhibit 72. If we can pull that up please?

3 UNIDENTIFIED PERSON: It's the third one down.

4 MS. WALSH: Yes, that's it, thank you.

5

6 BY MS. WALSH:

7 Q So you, through your counsel, you did show that
8 the numbers of children safe at home are increasing. What
9 we see from this exhibit is, however, that the numbers of
10 children in contact with the system, overall, continue to
11 increase from the beginning of this chart, 2007, to 2012?

12 A That's correct.

13 Q And for the 2012 data, 9,730 children are in
14 care, eleven five two two children are safe at home. Do
15 you add those two columns to tell you how many children are
16 receiving services in a given year?

17 A That, that kind of calculation would give you an
18 overall number as to the number of children that have
19 contact with the system for different purposes.

20 Q Although, the number of children in care is only
21 measured as at a given time?

22 A Same with the other ones.

23 Q Right. So --

24 A Um-hum.

25 Q -- it doesn't tell you how -- if, during that

1 period of time, a child has come -- more children have come
2 into care, it doesn't tell you how many admissions to
3 care --

4 A That's correct.

5 Q -- there were?

6 A That's correct.

7 Q Okay.

8 A This is a point in time.

9 Q All right. And in that five year span that we
10 see on this exhibit, 8,000 more children are receiving
11 services over the course of the last five years; and is
12 that a, a figure that concerns you?

13 A I would say that the, the number of children
14 being served by the child welfare system is both a concern,
15 but also an indicator that the system is providing
16 supportive services. So it's both a, a positive and, and a
17 negative. So we know that with the contact that Child and
18 Family Service systems have had with families, for example,
19 where we don't have to take children into care because of
20 safety reasons, has increased over time and that, to us,
21 would mean that families are getting better support and
22 feeling more confident in moving forward with parenting.
23 But the number of children who have had to come into care,
24 because of safety issues, or safety reasons, continues to
25 increase and, and that is of concern.

1 Q The measurement of how well the system is doing,
2 would you agree, is compromised if you're relying on a
3 statistical analysis and the information cannot be properly
4 tracked?

5 A Correct.

6 Q And we have heard, of course, a number of
7 concerns about entry of information into CFSIS and would
8 you agree that, to the extent that there are any
9 difficulties in entering into, information into CFSIS, or
10 in the nature of the information that CFSIS is able to
11 track, that is going to hinder the department in its
12 evaluation of how well the system is doing?

13 A Yes.

14 Q We see, from this document, Exhibit 72, this
15 shows you generally, but not specifically, with every child
16 accounted, the number of children to whom the system
17 responds as a whole?

18 A Yes.

19 Q Okay. Does the system track whether the same
20 child comes into care on more than one occasion?

21 A Yes, that would be the look at recurrence and
22 that is the outcome that we will be measuring this coming
23 year in our annual report.

24 Q Okay. It has not done that until now?

25 A That, that's right.

1 Q Okay. But that's something new that we should
2 look for in the annual report?

3 A Correct.

4 Q Okay. Does it track how long a child stays in
5 care, or whether there's an average length of that?

6 A There is the capacity, with CFSIS, to run reports
7 that tell you that, yes.

8 Q Is that being tracked?

9 A We do it periodically to determine some of the
10 length of stay of children. We know that, for example,
11 there are a large number of children who do not stay in
12 child care placements very long and it's generally because
13 there's an immediate safety concern and once that safety
14 concern has been dealt with, the child goes back home. So
15 we do see that.

16 What our new outcome will tell us is whether the
17 child comes back again after that. So that would be the
18 recurrence of service.

19 Q Okay.

20 A But the, the department does, on occasion, run
21 that kind of information, in order to develop a, a picture
22 of what is happening in the system.

23 Q Does the department look at the age of the
24 children to --

25 A Yes.

1 Q -- who are coming into care, or needing services?

2 A Yes.

3 Q And is that being analyzed in any way?

4 A Well, we do look at the age groupings and we also
5 look at that because of the kinds of services and resources
6 that we need to develop for placements of children.

7 Q And do you know, are there any trends? Are we
8 seeing more children under the age of five, over the age of
9 five?

10 A We would generally see, I think, the bulk of
11 children between the middle years, in terms of, I believe
12 it would be about nine to 13, and then again some teenagers
13 would be the higher bulk of children, but I, I don't have
14 those statistics with me, so I'm somewhat hesitant to make
15 a general statement.

16 Q Okay. Does the department track statistics about
17 maltreatment of children, in terms of neglect versus abuse?

18 A Yes.

19 Q Okay. And is that reported?

20 A Yes, I believe it is in our annual report.

21 Q You said that this document, Exhibit 72, shows
22 that there are more children at home safe?

23 A Yes.

24 Q Do you know why?

25 A Well, I, I think if you look at the progression

1 from 2007 to 2012, with a larger sort of jump in 2010,
2 that's certainly when we would have seen more agencies
3 starting to implement some of the approaches with family
4 enhancement. But I believe that would also be an
5 indication that the Federal Government's funding could now
6 be used for family support, through family protection, as
7 compared to just taking children into care. So I think
8 that might be an explanation for that particular jump.

9 So this is information that we currently have on
10 CFSIS and I would suggest that that probably is one of the
11 factors, is the new funding model and also the work that
12 the authorities and agencies have done to begin to focus
13 some of their service on prevention and working with
14 families.

15 Q Now, are you speaking based on an actual
16 statistical analysis and evaluation, or just --

17 A General comment.

18 Q -- your own comment? Okay.

19 A Yes.

20 MS. WALSH: Thank you. Mr. Commissioner, this
21 would be a good time, I'm going to move on to a new area,
22 if you wanted to take the afternoon break?

23 THE COMMISSIONER: Yes, if it's suitable. About
24 how much longer are you going to be, do you think?

25 MS. WALSH: Half an hour.

1 THE COMMISSIONER: All right. Well, that'll give
2 the others some idea.

3 MS. WALSH: Thank you.

4 THE COMMISSIONER: All right. We'll adjourn now
5 for 15 minutes.

6

7 (BRIEF RECESS)

8

9 MS. WALSH: Pull up Exhibit 69 please.

10

11 BY MS. WALSH:

12 Q I said I was finished with funding, but I wasn't
13 quite. This document shows the funding for 2013/2014 to
14 various agencies?

15 A That's correct.

16 Q Do you know whether this represents a change in
17 the funding to community-based organizations since 2006,
18 for instance?

19 A I, I don't have the data with me to do a year
20 over year comparison like that.

21 Q Do you know whether it's an increase?

22 A I believe, for some, it may be, but I, I don't
23 have the statistical information to be accurate or sure
24 about that.

25 Q All right. And so, again, that may be something

1 that we'll have to wait to hear from some of the agencies
2 themselves in phase 3. Okay.

3 Do you know whether there has been any specific
4 focus, on the department's part, to fund aboriginal
5 community-based organizations?

6 A Yes, there has been. In particular, some of the
7 agencies that work with sexually exploited children and
8 youth. There's been a large strategy, separate from the
9 Changes for Children strategy, that has approximately an 11
10 million dollar budget annually, whereby we fund a variety
11 of interventions and programs for youth who are at risk of,
12 and vulnerable to sexual exploitation. So there's a number
13 of these agencies that are listed here who have taken a
14 very major role in providing services for that particular
15 group of youngsters.

16 And in addition to that, we have had a number of
17 the agencies that have been in Manitoba for quite awhile,
18 such as Ma Mawi and the like, who continue to receive
19 services, or receive funding, year over year. But like I
20 said, I, I don't have the information as to the increases
21 year over year.

22 Q All right. Thank you.

23 A My apology for that.

24 Q No, no problem. Let's look at some of the other
25 recommendations that came out of the six reports that this

1 inquiry is required to consider. Let's start with focusing
2 on the issue of CFSIS --

3 A Yes.

4 Q -- and recommendations directed at CFSIS. We
5 know that Strengthen the Commitment recommended that issues
6 with CFSIS and that staff have access to cases across the
7 province; has this been done fully?

8 A It has not been done fully. There would still be
9 a number of communities that would have difficulty with
10 connectivity and in order to get their cases on, they would
11 have to develop what we refer to as the workaround, whereby
12 they would provide their information to one of their home
13 sites, where the information could be inputted into CFSIS.

14 Q Okay.

15 A That number has decreased significantly.

16 Q You said this morning, I think, that the business
17 information system is important for the safety of children
18 to do good case planning for children and families. So
19 certainly you, on behalf of the department, recognize the
20 significance of CFSIS, or a system like CFSIS?

21 A Yes.

22 Q You talked this morning about face-to-face, a
23 face-to-face visit screen?

24 A Yes.

25 Q And that this guides workers in identifying when

1 they have seen a child and the supervisors, to identify
2 that same activity?

3 A Yes.

4 Q Whether the worker is fulfilling their
5 responsibility?

6 A Yes.

7 Q That screen only relates to children in care
8 though; right?

9 A That's correct.

10 Q There is, currently, no screen of a similar
11 nature that refers to monitoring face-to-face contact with
12 children who are receiving services but are not in care?

13 A That's correct. For children who are in family
14 protection files, or family enhancement files, the current
15 system does not have the same kind of window as the
16 children in care window that we currently have. The other
17 one is more complex because of the risk levels attached,
18 particularly for family protection cases. You would have
19 high risk, medium risk, and low risk requirements. So it's
20 a more complex set of circumstances that would have to be
21 built into a new system, which we do not have at this
22 point.

23 Q Okay. So right now, there's no way that you can
24 easily go onto CFSIS and see whether a child, for whom
25 there is an open protection file, has been seen?

1 A There's, there is not an easy system like that.
2 You would have to go into the case notes.

3 Q Exhibit 43, if we can pull that up please, page
4 42. That's the auditor general's follow-up report from
5 2012. If we go to page 42 of that report, Sorry, it's
6 right at the very end, virtually. Oh, you've gone too far.
7 There you go.

8 So this recommendation is identified as still
9 being in progress and we did hear the auditor general
10 testify about this and it relates to the need to make
11 changes to CFSIS, or some system, so that the department
12 has an effective system. And it identifies that:

13

14 "In 2007/08, the Department
15 initiated Child and Family
16 Services Application
17 Transformation Project. In ...
18 ['08], a service contractor was
19 engaged to conduct the initial
20 Project work. [They] delivered
21 the following ..."

22

23 Which included a, a case, a change management
24 plan, draft implementation plan. They concluded that the
25 current CFSIS system could not be enhanced and they

1 determined:

2

3 "In December 2009, the Department
4 ... requested funds to complete
5 the Solution Scoping phase of the
6 Project. [It] noted a number of
7 activities that would occur during
8 this stage ... [and that] The
9 request for funds was denied by
10 the Treasury Board."

11

12 And finally, the auditor general reports:

13

14 "The Department did not provide
15 any documentation or information
16 on actions taken since December
17 2009, but told us that it has been
18 working on alternative proposals."

19

20 And I believe that's consistent with your
21 evidence this morning, that things were put on hold --

22 A Yes.

23 Q -- in 2009?

24 A Yes.

25 Q So what's the plan?

1 A The plan, in terms of the next step in the
2 project is to complete the solution scoping phase that's
3 referred to in Ms. Bellringer's report.

4 Q And when will that be done?

5 A That is anticipated to be undertaking, undertaken
6 in the '13/14 fiscal year, current, current fiscal year.

7 Q All right. So where are we at? Is, is the
8 department going to renew its request for the funds
9 necessary to implement a new electronic tracking system?

10 A What we're doing is continuing with the -- and
11 I'm going to refer to it as Information Matters, because
12 that, that was --

13 Q Certainly.

14 A -- the name that we had attached to the project.
15 So we are planning to continue with the, the project --

16 Q And --

17 A -- to --

18 Q -- and what is the project, exactly?

19 A That would be the, the scoping phase, which is to
20 look at the kind of, of technology requirements that we
21 need in order to ensure that the, the, the way that we
22 conduct our business, the standards that we have, for
23 example, our SDM system that we have right now, how that
24 would be able to be incorporated into an electronic system.
25 So your --

1 Q The current system, or a new system?

2 A No, a new system. So the electronic system and
3 the way that you practice match and don't have a lot of
4 differences or variations.

5 Q And then are you going to go back to Treasury
6 Board with a renewed request?

7 A We will be going back again once that scoping
8 phase is done, yes.

9 Q And that scoping phase is in addition to the work
10 that the contractor who was hired in January of 2008 did?

11 A Yes, that would be basically the completion of
12 that phase and then once that phase is done, it helps us to
13 understand the cost of any development that has to be done
14 with the new system and that's when the, the large figures
15 that were talked about, that Ms. Bellringer talked about,
16 get identified more clearly.

17 Q And you think you should be in a position to do
18 that by 2014?

19 A We anticipate the scoping to be done in the
20 current fiscal year, which would be '13/14 and so any other
21 work that would need to be done after that, once we've got
22 that information, would be the next fiscal year.

23 Q Okay. Has any thought been given to integrating
24 the electronic system that the child welfare system uses
25 with the system used by any of the other social services

1 agencies? For instance, with EIA, so that they would share
2 a common database?

3 A That was actually one of the reasons why the
4 pause was established in '09. The department began to look
5 at a way to have what was referred to as a, a common front
6 end for EIA, Employment and Income Insurance, or
7 Assistance, as well as child welfare and a number of our
8 other smaller programs. Those are very, very large
9 initiatives and require a, a significant amount of
10 planning, development and resources and --

11 Q But, but is there any desire to consider
12 integrating Employment Insurance, for instance and --

13 A There's a desire to --

14 Q -- child welfare?

15 A -- there's a desire to have a front end that
16 would give you information, the, the high level demographic
17 information that would be accessible.

18 Q High level demographic information, such as
19 name --

20 A Yes.

21 Q -- birth date, address?

22 A Yes.

23 Q Okay. And that is something that the department
24 is going to be looking at?

25 A We have had some preliminary discussions about

1 that, some interest in that, however, at this point in
2 time, the child welfare system was reprioritized as the
3 number one area to begin work in.

4 Q Let's move on to standards. According to the
5 ombudsman's follow-up report of 2008/2009, which is our
6 disclosure 208, don't have to go to it, the standing
7 committee had approved of 18 children welfare standards in
8 core areas; were those 18 new standards?

9 A No, those would have been, some of those would
10 have been revisions and some of them would have been new.

11 Q Okay. And if we look at, Exhibit 66 was the new
12 2012 --

13 A Um-hum.

14 Q -- before that, what was in place? Is it what we
15 have in our disclosure as CD1818?

16 If we can pull that up. Do you need a page
17 number for that? No. I'll give you a page number, 38214.
18 Sure, we can go to 38215. No, you've got the right page.

19 Those are, from my understanding, what -- as to
20 what's in our disclosure, representing the 2005 standards;
21 do you know if there's anything else that shows what the
22 2005 standards were? And if you don't have that
23 information at this moment, perhaps your counsel can
24 advise.

25 MR. MCKINNON: My understanding, and, and I'll

1 defer to others if they think this is wrong, is this was
2 the initial package that would have been posted in January
3 2005. And then they have been expanded, or amended over
4 the last six or seven years to arrive at the 2012 package,
5 which, which has been marked.

6 MS. WALSH: Okay. Which is Exhibit 66.

7 THE COMMISSIONER: Well, is this what you have on
8 the screen, pre-2005?

9 MS. WALSH: It's dated November 5, 2004, but it
10 goes on to identify standards which were to become
11 effective January 2005.

12

13 BY MS. WALSH:

14 Q Is that right?

15 A That's correct.

16 MS. WALSH: Okay.

17 THE COMMISSIONER: And, and the 2005 standards,
18 are they in Exhibit 66?

19 MS. WALSH: Those are the 2012 standards.

20 THE COMMISSIONER: Yeah, where are the 2005
21 standards?

22 MS. WALSH: They're in CD1818, so what's up on
23 the screen and following.

24 THE COMMISSIONER: Well, did you file those this
25 morning, Mr. McKinnon, didn't you?

1 MR. MCKINNON: No, I --

2 MS. WALSH: No.

3 MR. MCKINNON: -- didn't file the 2005 standards,
4 Mr. Commissioner, because they've changed so many times
5 over the last seven years, I just filed the 2012. I view
6 it by way of analogy. We have a continuing consolidation
7 of the statutes. What I found in this exhibit was the 2012
8 continuing consolidation. But this would have been the
9 original --

10 THE COMMISSIONER: What --

11 MR. MCKINNON: -- set of standards that are now
12 on the screen.

13 THE COMMISSIONER: -- well, do they, do those,
14 that, does that consolidation show the year that they each,
15 in turn, came in?

16 MR. MCKINNON: It does, at the top of each
17 standard, Mr. Commissioner, you'll see often two dates,
18 which will be the original year and date that it was
19 amended.

20 THE COMMISSIONER: And the, the -- can we then
21 determine the standards that were in place at the time of
22 the, of the incident that we're -- is at the core of this
23 inquiry?

24 MR. MCKINNON: I think you can, by looking at
25 those standards, but also, I think this document will help

1 you as well. The one that --

2 THE COMMISSIONER: Has that --

3 MR. MCKINNON: -- Ms. Walsh has called up.

4 THE COMMISSIONER: -- been done?

5 MS. WALSH: That's the document that's in front
6 of you, Mr. Commissioner, that is already in our
7 disclosure.

8 THE COMMISSIONER: Yeah, but -- and so now you're
9 trying to confirm what the standards were at the relevant
10 time to this inquiry?

11 MS. WALSH: Not specifically. We're going to
12 hear evidence on Thursday, or Wednesday afternoon that is
13 specific to that.

14 THE COMMISSIONER: Oh, all right, all right.

15 MS. WALSH: I just wanted to confirm that because
16 today, through this witness, the department entered into
17 evidence the 2012 --

18 THE COMMISSIONER: Yes.

19 MS. WALSH: -- standards as an exhibit and I
20 wanted to make sure that I understood exactly what was in
21 our disclosure, because it has been so voluminous, as to
22 the standards that predated the 2012.

23 THE COMMISSIONER: Yeah, yes, I, I, I understand
24 what you're doing, but -- and, and I, quite content, having
25 said that later in the week, we're going to get where I

1 want to go.

2 MS. WALSH: Yes, good, okay, thank you.

3

4 CROSS-EXAMINATION CONTINUED BY MS. WALSH:

5 Q All -- the Section 4 report recommended:

6

7 "That the Child Protection Branch

8 ... work in partnership with the

9 Authorities to develop a set of

10 Provincial Standards which will

11 apply to all mandated ...

12 agencies."

13

14 Honouring Their Spirit recommended that the Child

15 Protection Branch prioritize the timely completion of the

16 provincial standards manual. In her internal report,

17 Rhonda Warren recommended that the Province, the

18 authorities and the agencies give prior to resolving case

19 management standards and their expectations. Has that been

20 done?

21 A Yes, and it also continues because the

22 development of these is continual. So the case management

23 standards were the priority.

24 Q And that's reflected, in part, by what was filed

25 today as Exhibit 66, which is the 2012 compendium of --

1 A Right.

2 Q -- of standards?

3 A Yes.

4 Q All right. Do you know the manner in which
5 social workers have been made aware of the standards which
6 exist?

7 A When -- from 2006 on, when new standards were
8 being developed, there is first the development process,
9 which provides some information to agency executive
10 directors about the direction that the standards are going
11 in. But once the standard has been approved as a
12 provincial foundational standard, there is an official
13 letter that gets sent, under the signature of the director
14 of Child and Family Services, to each of the four CEOs,
15 with a hard copy attached and with the information as to
16 when it will appear electronically on the, the internet.
17 So that is information that each of the authorities gets
18 and they are asked, in turn, to share that information
19 appropriately with their agencies and the staff within the
20 agency.

21 In addition to that, a requirement that became, a
22 requirement of all authorities and agencies was to
23 establish a training program for all new standards and I
24 believe that each of the authorities has a series of
25 training sessions that they engage in, in order to ensure

1 that information about new standards is available.

2 Q So those are, those are responsibilities of the
3 authorities now, when you're getting into specific
4 training?

5 A Yes.

6 Q All right. The Section 10 report, which is our
7 disclosure number 2, made a number of recommendations
8 directed specifically at the branch.

9 A Um-hum.

10 MS. WALSH: So if we can pull up page 176 please?

11 THE COMMISSIONER: Which report is this?

12 MS. WALSH: The Section 10 report.

13 THE COMMISSIONER: Yes.

14 MS. WALSH: So that's starting at page 60 of that
15 report, Mr. Commissioner.

16 THE COMMISSIONER: Yes.

17

18 BY MS. WALSH:

19 Q So the very first recommendation was:

20

21 "... that The Child Protection
22 Branch develop a program standard
23 to address the use of private
24 arrangements when there are child
25 protection concerns such as

1 abandonment, abuse or neglect.
2 Further, the chief medical
3 examiner recommends that adult
4 participants in such arrangements
5 be clearly advised that no child
6 is to be placed elsewhere,
7 including with the original
8 caregiver(s), until the
9 appropriate agency has been
10 advised and has assessed the
11 situation in which the child would
12 be living."

13

14 Has that program standard been developed?

15 A That program standard is under development right
16 now and is in its final stages of review.

17 Q When do you expect it to be finalized?

18 A It was to be going to standing committee within
19 the month, within this next month and once that process is
20 done, it should be fairly quick in order for it to be
21 approved.

22 Q Okay. Recommendation number three:

23

24 "The chief medical examiner
25 recommends that the Child

1 Protection Branch ensure
2 provincial training for child
3 protection includes or references
4 literature emphasizing that the
5 care or condition of one child in
6 a family cannot be taken as a
7 proxy for the care or condition of
8 any other child in the same
9 family."

10

11 Is the Child Protection Branch ensuring that that
12 provincial training exists, and how?

13 A Certainly in the, the training that is done with
14 the SDM, which we are a party to, we don't necessarily
15 provide the training ourselves, we know that, that the
16 probability of future harm, this a very, a key issue that
17 is, is identified as part of the training.

18 THE COMMISSIONER: So is the --

19 MS. WALSH: But what --

20 THE COMMISSIONER: -- answer, is the answer yes?

21 THE WITNESS: The answer is that it doesn't occur
22 with the Child Protection Branch, but it occurs within the
23 system with the responsibilities for training that the
24 authorities have for the SDM model.

25

1 BY MS. WALSH:

2 Q But the recommendation says that the branch must
3 ensure that the training exists. So what, if anything, is
4 the branch doing to ensure that?

5 A Well, the branch was a party to the
6 implementation of all of the SDM tools that are being used.
7 So I mean, I, I, I, I --

8 Q So is your answer that, that the branch has not
9 been involved with the actual --

10 A Not with --

11 Q -- ensuring of the training?

12 A -- not with the actual training. That training
13 is the responsibility of the authorities right now.

14 Q Are you doing anything to ensure that the
15 appropriate training is taking place?

16 A We're ensuring that the authorities are doing the
17 SDM training and will be a part of the validation process.

18 Q And how do you ensure that? Is there some
19 report?

20 A There isn't a report to date, no. There would be
21 the curriculum that is being used, that we're aware of and
22 that curriculum that is used with the trainers, as they're
23 doing the trainer (sic), has this specifically identified.

24 Q So is there someone in the branch who's
25 monitoring the curriculum?

1 A We would have our training coordinator, who's
2 aware of all of the training and has participated in the
3 training herself.

4 Q Okay. So that's the answer to --

5 A Yeah.

6 Q -- the recommendation, the implementation of
7 this --

8 A That's correct.

9 Q -- recommendation? Okay. Thank you.

10 Recommendation number 4:

11

12 "... that the Child Protection
13 Branch ensure the program
14 standards currently under
15 development for child protection
16 services include a warning or
17 reminder to workers that one child
18 may be the target of abuse or
19 neglect in a family that appears
20 to be functioning adequately."

21

22 So has the Branch ensured that the programs
23 standards reflect that?

24 A I would say that the program standard that we
25 have with face-to-face contact certainly identifies that

1 each child needs to be seen and that one child shouldn't be
2 taken as a proxy for another. So both in our legislation
3 that we identified and Bill 34, as well as the requirements
4 and the standards for face-to-face contact.

5 Q What's Bill 34?

6 A That was the change in the legislation to make
7 safety paramount.

8 Q Okay. And I was actually going to ask Mr.
9 Rodgers about that, because I don't believe you were
10 actually in the system prior to that change for very long?

11 A That's correct.

12 Q Okay. Which is, which standard is that you're
13 saying is the face-to-face contact standard that would
14 reflect the implementation of that recommendation? So
15 that's Exhibit --

16 A One --

17 Q -- 66.

18 A -- one, 1.1.0.

19 Q And does that cover face-to-face contact
20 throughout the delivery of services, from intake to --

21 A This would be primarily for intake and it also
22 gives examples of other situations where a child has to be
23 seen. And then there's another Section, I believe it's --

24 Q So sorry, what was that Section again?

25 A One point one point zero. And the other Section

1 that we have, I believe it is, I have to search for it ...

2 MR. MCKINNON: Are you thinking of 1.1.4?

3 THE WITNESS: That's the one, yes. Yeah. Also
4 has the identification of, frequency of contact with
5 children when they are in family protection files and it
6 talks about the levels of risk and the contact with
7 families and children and the, the, the frequency of
8 contact.

9 MS. WALSH: Okay. Thank you.

10

11 BY MS. WALSH:

12 Q Recommendation number six -- oh, actually,
13 recommendation number five:

14

15 "... the General Authority in
16 conjunction with Winnipeg Child
17 and Family Services branch ..."

18

19 Now that's the agency, that's not the Child
20 Protection Branch?

21 A That's correct.

22 Q All right. So we'll move on to number six
23 please.

24

25 "... the Child Protection Branch

1 and the General Authority, in
2 conjunction with ... Winnipeg CFS
3 ... review the March 5, 2005
4 intake to determine what can be
5 done to prevent similar incidents
6 in the future and to ascertain
7 whether this was a unique response
8 to reports of alleged maltreatment
9 of children or related to systemic
10 issues such as a shortage of
11 resources."

12

13 So was that review undertaken and what were the
14 results?

15 A I wasn't present when that review was undertaken.
16 My understanding, based on information that I've read, as a
17 part of the inquiry process, is that there was a, a review
18 that was undertaken by Winnipeg and along with the General
19 Authority and that the issues identified in this case were
20 not identified as system issues. But I, I think it would
21 be a question that would probably be better asked of --

22 Q Mr. Rodgers?

23 A Or the CEO of the General Authority at that time.

24 Q Okay. And just, and I, I appreciate your limited
25 information, but when you're talking about a review, are

1 you talking about the review prepared by Rhonda Warren, or
2 something else?

3 A No, I believe that they did a subsequent analysis
4 that, just with respect to this recommendation.

5 Q Okay. Well --

6 A Yeah.

7 Q -- I'm going to perhaps ask your counsel to look
8 and see if that's been provided to us.

9 A Okay.

10 Q Thank you.

11 A I, I actually think it only came -- I don't think
12 it was a formal review. It was a notation in some minutes
13 that I read as part of the inquiry process.

14 Q Okay. Thank you. Well, that should be helpful
15 to your counsel.

16 Training, you said, was mostly directed through,
17 or delivered through the authorities, that's mainly their
18 responsibility?

19 A With the exception of core competency-based
20 training for supervisors, or case managers, for youth care
21 workers. And then there's some specialty modules that are
22 provided through the core competency training program. And
23 the CFSIS training and the intake module training are
24 provided by the department and the remainder of the
25 training would be done through the authorities, with their

1 agencies.

2 Q When something, for instance, like the CFSIS
3 training is conducted, is there any evaluation as to how
4 well somebody has done in receiving the training, whether
5 they, they've understood it? Are they tested?

6 A I don't think they're tested. However, if they
7 do have difficulty with implementing, we do make our staff
8 available to do over-the-shoulder support. So if you're
9 having difficulty at an agency and you say I, I'm just
10 really not able to do this, we do send our staff our to the
11 agency to support staff onsite.

12 Q But they would have to, staffers would have to
13 self-identify that they're --

14 A That's correct --

15 Q -- having difficulties?

16 A -- yes.

17 Q All right.

18 A Yeah.

19 Q In terms of recommendations, Honouring Their
20 Spirits recommended:

21

22 "That a provincial directive be
23 issued and that a training module
24 be developed on the 'duty to
25 report' and on the role of the

1 Privacy Act with respect to child
2 welfare [recommendations]."

3

4 Has such a directive been issued and a training
5 module of any sort been prepared with respect to the role
6 of privacy legislation?

7 A There, there was a, a curriculum, or workshops, I
8 guess, workshop material, that was developed, a number of
9 years ago, around the issues around the PHIA and FIPPA
10 issues, both of them and there was a series of workshops
11 that were undertaken by one of the specialists at the
12 department and those workshops were offered to agencies and
13 to authorities and the material, some of the material in
14 those particular documents, as well as the PHIA/FIPPA
15 information fact sheet was also used by the health sector
16 in some of the training that they provide to their public
17 health nurses.

18 Q No official directive, per se?

19 A Not, not that I'm aware of.

20 Q Okay.

21 A With respect to duty to report, the provincial
22 advisor committee on abuse provides a handbook to all
23 collaterals that helps them to understand what the duty to
24 report is for all professional bodies. And that document
25 was last produced in 2001 and it has gone through a renewal

1 process and it is currently, right now, at the printer, as
2 the updated version for 2013, which will be distributed,
3 again, with information to all collaterals about the duty
4 to report through the various professions, doctors,
5 nurses --

6 Q Okay.

7 A -- teachers, et cetera.

8 Q What about to the public? Has there been any
9 kind of public awareness campaign about the duty to report?

10 A The duty to report very specifically, the public
11 campaigns that have been of recent times have focused on
12 the duty to report child pornography, child exploitation.
13 But there has not been a general campaign around duty to
14 report for a number of years.

15 Q Is that something you think would be a good idea?

16 A Yes.

17 MS. WALSH: If we go to Strengthen the
18 Commitment, page 208, and that would be page 23 of your
19 copy, Mr. Commissioner.

20 THE COMMISSIONER: Thank you.

21 MS. WALSH: I only have about 15 more minutes, I
22 think.

23 If we go to the bottom of the page, please, very
24 bottom of the page. Good, thank you.

25

1 BY MS. WALSH:

2 Q This is under the heading: Service Delivery
3 Alternatives and it talks about a child centred service
4 delivery, that:

5

6 "Families receiving services in
7 the child welfare system are often
8 the recipients of a number of
9 other services from government
10 including employment and income
11 assistance, housing, justice
12 interactions and social programs
13 aimed at those living in poverty.
14 Each program has its own policies
15 and requirements and knows what
16 outcomes it wishes to achieve."

17

18 And two paragraphs down, the comment is made
19 that:

20

21 "... the child welfare system
22 alone cannot achieve [positive]
23 outcomes."

24

25 That's something you, I think you would agree

1 with?

2 A Yes, I would.

3 Q Okay. The report goes on to say that:

4

5 "Government should consider the
6 child as the client and use a
7 client focused service model. The
8 inputs that the child receives
9 from government should be
10 calculated from all sources such
11 as Education, Health, Housing,
12 EIA, and Child Welfare, and
13 potentially Justice."

14

15 Is that an approach that you would agree with?

16 A I think, in terms of looking at ensuring that
17 the, the right services and the right programs are
18 available, based on what the family needs, is very
19 important. I think sometimes you need all of those.
20 Sometimes you would only need a number of them.

21 Q Certainly though, I think you'd agree, that to
22 ensure the wellbeing of children, the government needs to
23 design and implement programs which are based on the child
24 focused service model, involving all sources, such as
25 Education, Health, Housing, EIA, potentially Justice and

1 child welfare?

2 A Yes, and I think that's reflected in our overall
3 policy approach with having the partnership between the
4 seven or nine departments through Healthy Child Manitoba.

5 Q Yes, and in Strengthen the Commitment, one of the
6 recommendations had been to have a representative from
7 child welfare come to the Healthy Child cabinet committee.
8 That has now taken place --

9 A Yes.

10 Q -- has it not?

11 A Yes.

12 Q Okay. And so you would agree that the Healthy
13 Child committee, which is overseen by the Department of
14 Children and Youth Opportunities, is a good mechanism for
15 integrating the various services from government that need
16 to be integrated to deliver a child focused model of
17 services?

18 A Yes, I do.

19 MS. WALSH: Still with Strengthen the Commitment,
20 at pages 217 to 219, that's pages 32 to 33, Mr.
21 Commissioner.

22 Two nineteen, or 217, start at 217 please. I
23 won't -- if we just go to the top of the page. Perfect,
24 thank you.

25

1 BY MS. WALSH:

2 Q I won't read through this whole Section, but it
3 discusses the importance of an aboriginal approach to child
4 welfare. Are you aware of the successes that the West
5 Region 10-year pilot project had and about which we heard
6 evidence from Elsie Flette?

7 A Yes, I've read the evaluations of that program
8 and also the program description.

9 Q And the, among the successes of that program, the
10 program found, or the evaluation found that the numbers of
11 children in care were reduced?

12 A Yes.

13 Q And millions of dollars were saved through
14 prevention efforts?

15 A That's correct.

16 Q Do you know why that model of service delivery
17 and those types of programs have not been implemented
18 across the province, based on those successes?

19 A I, I think we heard from a number of individuals
20 that there needed to be some criteria in place in order for
21 a model like that to be successful. And in some of my
22 conversations with the evaluator, who was Dr. McKenzie, he
23 also indicated that in order for a project like the one at
24 West Region to be successful, you would definitely need to
25 have a, an, a leadership that was willing to undertake the,

1 the approach because it does require a, a different kind of
2 administrative approach.

3 Q Leadership at, at what level, at the authority
4 level, or the agency level?

5 A I, I believe it would be at both.

6 Q Okay.

7 A The, the other conditions that we talked about,
8 now this was awhile back, so I'm stretching my memory a
9 bit, would be that the, the agency would have to be fairly
10 vigilant in terms of looking how resources were being
11 utilized, how programs were being designed and then making
12 sure that the program matched the needs, so that there
13 would be success for the, the community.

14 So when you begin to look at diverting resources,
15 which is what this agency did, from protection to
16 prevention, there was a success element that they had, that
17 working along with their community, because they did work,
18 I think, very closely with their community in developing
19 this, may not be the same kind of approach that every
20 agency would have with all of the communities that they
21 work with. But it did have a success.

22 I believe there were a number of other agencies
23 that engaged in a pilot at the same time, but did not
24 sustain it for the length of time that West Region did.

25 Q Has there been any discussion of more fully

1 implementing those types of programs across the province?

2 A We have had some of those discussions with the
3 authority CEOs, as well as within my department.

4 THE COMMISSIONER: With --

5 MS. WALSH: Recent --

6 THE COMMISSIONER: -- with what results?

7 THE WITNESS: At this point in time, there have
8 been, there's been no additional agencies that have gone to
9 block funding for child maintenance, however it's still an
10 active discussion. So, at this point, there's been no
11 other initiatives in this area.

12

13 BY MS. WALSH:

14 Q Would that -- if somebody did that, followed that
15 initiative and received block funding for maintenance, how
16 would that affect the funding model that you've described
17 for us?

18 A Well, the, the funding that was used for the
19 block was child maintenance funding. And so for West
20 Region, my understanding of the initiative and, and of
21 course, I'm a, a third party, I'm not one who was
22 implementing it directly, but my understanding is that
23 there was a commitment that was made by that agency to work
24 to reduce the number of children in care by establishing
25 some prevention programs, community-based prevention

1 programs and as a result of reducing the number of children
2 in care, they were able to use the resources that would
3 normally be child maintenance resources --

4 Q So if --

5 A -- for that purpose.

6 Q Right. But so my question is just very
7 practically, if an agency followed that model, that West
8 Region used, would their funding be based on something
9 different than the model that you've discussed, the new
10 2010 model?

11 A At, at this point, I don't know --

12 Q Okay.

13 A -- because I think it would have two streams that
14 you would be looking at. You'd probably be looking to fund
15 child maintenance differently for that particular agency,
16 as a starting point and you'd see what that result was and
17 then from there, I think you'd be in a position to have
18 more information to make any adjustments or changes.

19 Q So, so far, no one's tried to rationalize, or
20 integrate the current funding model with the approach that
21 was used in West Region?

22 A I would say that there has been interest that has
23 been identified by a number of the authorities, but it
24 hasn't taken it to the, the actual proposal stage.

25 Q Thank you. Exhibit 38 was the 2013 report from

1 the ombudsman's office, reporting on the child death
2 reviews and it reported that, at page 19 of that report,
3 that between September 2008 and December 2012, there had
4 been 347 recommendations made in those special
5 investigation reviews. What do you think is the
6 significance of so many recommendations being made to a
7 system in a four-year period?

8 A Well, I believe that the, the diligence, first of
9 all, that is engaged in with the special investigation
10 reports means that they're very thoroughly and that
11 recommendations have an array of -- there's a real variety
12 in terms of the types of recommendations. Some of them can
13 be very specific to survivors of the family. Some of them
14 can be to the agency, to the authority, or to the system as
15 a whole.

16 But I would also say that during that period of
17 time, we were still seeing the system grow and change and
18 there would still be issues that wouldn't have been fully
19 implemented or embedded in the system, whereas I believe
20 that within the last year, what we have been seeing is that
21 we receive reports from the OCA right now where the number
22 of recommendations -- in many reports, there's no
23 recommendations. In some, there are recommendations with
24 a, with a, a general focus again to the authority/agency or
25 systemically, to the department. So it's a system that

1 needs to be constantly monitored and have good vigilance to
2 it, in order for issues to be addressed regularly.

3 The process that we have underway right now also
4 provides much better information to the Office of the
5 Children's Advocate about --

6 Q In the process that was implemented in 2008?

7 A -- no, the process that was implemented most
8 recently by the current OCA, with respect to taking the
9 reports and reviewing them with the authority and the
10 agency, provides additional information about any more
11 recent changes, or approaches that an agency has
12 undertaken. So some of them might also be time lag
13 recommendations because of things that have been done
14 subsequent to the, the report or the death that did occur.

15 Q So then Exhibit 38 comments, on page 20, that
16 some of the same recommendations were being made
17 repeatedly, which takes me to my next question.

18 In 2006, when Phoenix's death was discovered, six
19 reports were prepared from which 295 recommendations were
20 made for improvements and changes to the system. In March
21 of 2013, the ombudsman's report said that, in those four
22 years since the Office of the Children's Advocate had
23 assumed responsibility for the child death reviews, 347
24 recommendations were made for improvements and changes to
25 the system. My math totals that at 642 recommendations to

1 changes to aspects of the system, including service
2 delivery. And we also know that -- and you're, you're
3 aware of the fact of those recommendations?

4 A Yes, I am.

5 Q And in addition to those recommendations, would
6 be recommendations coming from inquest reports and follow-
7 up reports?

8 A Yes.

9 Q In Strengthen the Commitment, the ombudsman
10 identified that the same issues of concern that she found
11 in '06 had been raised by reports prior to hers. For
12 example, she referred to the 1987 report by Reid Sigurdson,
13 concerns raised in a submission from the office of the
14 chief medical examiner in 2000, to the working group for
15 the Department of Justice, and to the many Section 10
16 reports that her office reviewed covering the period 2001
17 to 2005, prior to her review. And she identified a number,
18 as I said, of consistent themes that predated her review,
19 but were consistent with the themes she found in 2006. And
20 those included some of the following:

21

22 "Failure to develop plans to
23 '...foster effective parenting
24 while ensuring the safety and
25 well-being of ... children at

1 risk';"

2

3 "Children being returned to
4 situations of risk despite the
5 fact that concerns ... [had] not
6 been addressed;"

7

8 "Failure to complete family or
9 social assessments that would
10 provide the basis for an analysis
11 of family's capacity to parent or
12 deal with ... needs of children."

13

14 "Files closed contrary to
15 Standards despite outstanding
16 issues or proper process of
17 notification;"

18

19 "Files closed without notifying
20 collaterals;"

21

22 "Not all [agencies or workers]
23 using [CFSIS];"

24

25 "Significant information missing

1 from [CFSIS]."

2

3 "Program standards not [being] met
4 [with respect to documentation]
5 ... Critical documents missing."
6

6

7 Are you aware of whether efforts were made to
8 address those concerns between 1987 and 2006?

9 A I really don't have that historical context to
10 provide an accurate response.

11 Q Would it be your understanding that there were
12 some attempts to address those recommendations between '87
13 and '06 --

14 A Well, I, I do --

15 Q -- or concerns?

16 A -- believe that there were, because certainly
17 there was work that was done on the information system,
18 CFSIS and the intake module, as the examples. I believe
19 that there were, in 2005, the provincial standards for case
20 management, were completed and put on line for use. I
21 believe that there was work done that was done in
22 competency based training, as an example, to have some
23 modules for training around documentation and how to do the
24 kinds of documentation that would provide better
25 information for historical purposes and for planning

1 purposes. And the -- I'll think I'll leave it there.

2 Q Okay. But certainly, the department wasn't
3 sitting back and doing nothing between '87 and '06, in
4 response to various reports that raised concerns?

5 A No, that's correct, yeah.

6 Q Given that many of those concerns are similar to,
7 or consistent with consistent with concerns raised in the
8 reports that followed the discovery of Phoenix's death,
9 what reassurance does the public have that the changes that
10 are being implemented now will be any more effective than
11 changes that have been made to the system in the past?

12 A Well, I, I do think that the work that the four
13 authorities and the department have embarked on, with
14 Changes for Children and with the new funding model, and
15 with the development of practice models at the various
16 authorities, we have a, a much stronger focus on first
17 safety, second risk assessment and the risk assessment
18 tools that workers now have are much more comprehensive and
19 thorough than we, I think, saw in the past. We also have a
20 strong commitment from the four authorities to implement
21 the probability of future harm and to do the kind of
22 follow-up with child safety that is required. We have, the
23 authorities have access to CFSIS in a way that they didn't
24 have access to CFSIS before, where they can monitor and run
25 reports for themselves, so that they have some good

1 information and data that is available to them, to apply to
2 the success of their agencies and/or to monitor areas where
3 they think additional work needs to be done.

4 I believe that with the standards and the fact
5 that we now have the standards protocol with the
6 authorities, as well as the requirement for standards
7 training and the continual updating of the standards to
8 best practice and if there are concerns that are raised
9 about the implementation of the standard, those can be
10 brought forward too, so that we can review those.

11 So I would suggest that, in terms of the strength
12 of commitment that we see, by all of the leaders within the
13 child welfare sector, the tools that we have developed
14 collectively, the service delivery models that the
15 authorities have undertaken and I mean, we certainly saw,
16 the work of NCN and I think, you know, the work that we'll
17 see with Winnipeg, demonstrates a thoroughness that I
18 believe is going to have some very long-lasting impact to
19 the quality of service. I could go on, but I won't.

20 MS. WALSH: All right. Thank you. Those are my
21 questions. Thank you very much.

22 THE COMMISSIONER: All right. Thank you, Ms.
23 Walsh.

24 Who's next?

25 We'll, we'll probably sit until five o'clock

1 today, so that'll give you some idea.

2 Mr. Funke?

3 MR. FUNKE: Thank you, Mr. Commissioner. I can
4 advise that I don't expect to be as long as I had
5 anticipated this morning, after Ms. Walsh's thorough
6 examination. She's covered many, if not -- well, we won't
7 say all, but almost all of the issues that I would have
8 otherwise been asking --

9 THE COMMISSIONER: Yes, she's --

10 MR. FUNKE: -- questions of the witness on.

11 THE COMMISSIONER: -- been quite thorough.

12 MR. FUNKE: Very thorough, so I'll try to keep my
13 questions brief.

14 Madam Clerk, if you could draw up, please,
15 Exhibit number 70 that was provided by the department?

16

17 CROSS-EXAMINATION BY MR. FUNKE:

18 Q Ms. Loepky, this was the graph that your counsel
19 brought up on the screen yesterday afternoon and asked you
20 to comment on with respect to the changes in funding that
21 have been provided to agencies, both by the province and by
22 the Federal Government, over the last number of years; is
23 that correct?

24 A This would be the total Child and Family Service
25 funding.

1 Q Exactly. And this represents the total budget of
2 the department; correct?

3 A It is the total budget, in terms of the Child and
4 Family Service component, not the total for the department.

5 Q But for the Child and Family Services component?

6 A That's right.

7 Q Thank you. Now, the bottom line represents
8 Federal funding through the same time?

9 A Um-hum.

10 Q And the top line represents provincial funding?

11 A That's correct.

12 Q And just to be clear, the change in funding, over
13 time, that's represented by this graph, is not intended to
14 represent the change in funding over time received by
15 agencies; is that correct?

16 A No, this would be representative of the total
17 funding in the sector during that timeframe.

18 Q And there were certainly significant differences
19 in how funding was calculated over time and that's a
20 component of that change; correct?

21 A Correct.

22 Q But it also includes funding to mandated and non-
23 mandated agencies?

24 A It does and it also would include funding to the
25 authorities.

1 Q Exactly. It also includes funding for the
2 branch?

3 A No.

4 Q So branch would not be covered in this?

5 A No.

6 Q Okay.

7 A No.

8 Q This would also include maintenance dollars; is
9 that correct?

10 A Yes.

11 Q And you'd agree with me that maintenance dollars
12 comprises the, the lion's share of the CFS budget; is that
13 correct?

14 A The proportion, I believe, in '11/12, for the
15 provincial component would have been in the are of 240
16 million.

17 THE COMMISSIONER: That was for what?

18 THE WITNESS: Child maintenance.

19

20 BY MR. FUNKE:

21 Q And that comprises approximately -- and we're not
22 talking about exact numbers here, but approximately two-
23 thirds of the overall budget; would you agree with me?

24 A I, I don't know. I -- a calculation would have
25 to be done --

1 Q So you're --

2 A -- before I would agree.

3 Q -- saying -- sure, you're saying 240 million in
4 which year?

5 A I believe it was '11/12.

6 Q Out of 422, 422 million --

7 A Um-hum.

8 Q -- is that correct?

9 A Yeah.

10 Q All right. So it's over half?

11 A Yeah.

12 Q Okay. Now, over time, in addition to the
13 increase in funding, there's been a substantial number of
14 children in care that those numbers have also gone up;
15 correct?

16 A Yes, we saw, from the graph that I provided, that
17 the number of children in care has increased. And I
18 provided the numbers, I believe, from '06 on.

19 Q Sure and it's those increased numbers of children
20 in care that play a major component in driving up the costs
21 of maintenance; would you agree?

22 A Yes.

23 Q Has there also been an increase, over time, in
24 the cost of maintenance as well?

25 A Yes, the two factors that affect the child

1 maintenance costs are volume and price. And price is
2 affected by the needs of children.

3 Q (Inaudible). I'm just going to go through some
4 of the other items that you addressed during your, your
5 direct and during Ms. Walsh's examination of you.

6 You had spoken, early in your examination this
7 morning by counsel for you, Mr. McKinnon, about the
8 development of the funding model and I recall you saying
9 that approximately in June 2010, there were discussions
10 developed the new funding model and those discussions
11 included representatives from the MKO, the AMC, the Federal
12 Government and the Provincial Government; do you remember
13 saying that?

14 A Yes, I do.

15 Q All right. And that, those discussions were to
16 identify the parameters for the five-year agreement; is
17 that correct?

18 A The discussions actually occurred somewhat
19 earlier than that, I believe.

20 Q Okay.

21 A They culminated in the time period that you're
22 talking about.

23 Q All right. In fact --

24 A So --

25 Q -- I'm sorry, go ahead.

1 A -- so there was what was referred to as a
2 steering group --

3 Q Okay.

4 A -- and a working group that had representatives
5 from the various parties on it.

6 Q And those discussions actually dated as far back
7 as 2008; correct?

8 A They were probably even somewhat earlier than
9 that, because there was leadership discussions as early as
10 2007, where the leadership from AMC, MKO and the Province
11 worked together to approach the Federal Government with
12 respect to the establishment of a process in Manitoba.

13 Q And, and without getting too much into the detail
14 of that, the discussions that included my client, the AMC
15 and the MKO, were early in that process and were very
16 broad, in terms of overall policy planning; correct?

17 A They were broad in the overall policy planning
18 and resulted in the document that the Federal Government
19 tabled as their prevention funding model.

20 Q That's correct. The actual funding calculations
21 and formulas that were delivered, however, didn't involve
22 direct consultation with the AMC or the MKO, did they?

23 A The prototype that was developed with the
24 authorities was used as the basis for the negotiations
25 between the Federal and the Provincial Government, as part

1 of the development of the MOU.

2 Q But, but that model was developed with
3 consultation with the authorities, not with MKO and not
4 with the AMC; correct?

5 A I believe that the, the prototype was done with
6 the authorities and the enhanced funding model was done
7 with the parties that you referenced.

8 Q And in fact, there were subsequent changes to
9 that actual funding formula that were neither reviewed by,
10 nor signed off by my client; would you agree?

11 A I would agree.

12 Q Ultimately, the authority, in passing the funding
13 model, lie, laid with both the Federal Government and the
14 Provincial Government?

15 A Yes, as the two funders for the program, the
16 final allocations and the memorandum of understanding was
17 developed between the two levels of government.

18 Q Good. Now, something you had said earlier today,
19 I believe it was under examination by your counsel, was a
20 discussion of standards?

21 A Yes.

22 Q And you had made a reference to not only
23 provincial standards, but also the standards passed by the
24 authorities. And as I recalled it, you said that the
25 Authority Act enabled the Northern Authority and the

1 Southern Authority and the Métis Authority to develop their
2 own standards that were culturally appropriate; do you
3 remember saying that?

4 A I don't know if I referenced the three
5 authorities, but I believe that authority is vested in all
6 four authorities.

7 Q That's correct. But the words that you had used
8 earlier this afternoon, or this morning, depending on when
9 it was, you said that the authorities were enabled to
10 develop their own standards. And my suggestion to you is
11 that there's actually -- it's, it's, it's more specific
12 than that and that the authorities have an obligation under
13 the Act, under Section 19(c), where it says that they must
14 ensure that culturally appropriate standards are in place;
15 would you agree with me?

16 A Not having the legislation in front of me, I
17 couldn't be a hundred percent positive, but I, I believe
18 you are correct in that it uses the words "ensure".

19 Q Yeah, it's, it actually appears under the list of
20 the duties of the authorities --

21 A Um-hum.

22 Q -- under the Act. So it's not simply a matter
23 where they're enabled to do it if they choose, it's an
24 obligation under the Act that the authorities must pursue?

25 A Yes and I believe that's why, in our protocol,

1 that we have for the development of provincial foundational
2 standards, the reference to the review of cultural
3 appropriateness is also part of the duties that we have for
4 our working group there.

5 Q Now during examination by Ms. Walsh, you had
6 drawn a distinction between the basis for the provincial
7 funding model, which you indicated was based on actual case
8 numbers --

9 A Um-hum.

10 Q -- and the basis for the Federal funding model,
11 which you indicated was based on assumptions and those
12 assumptions are with respect to either CICs, which are
13 calculated at seven percent of the child population,
14 between zero and 18?

15 A Yes.

16 Q -- or for family service files, which are
17 calculated based on child population, with the assumption
18 that there are three children in every family and 20
19 percent of those families --

20 A Yes.

21 Q -- will come into contact with the agency and
22 require services; am I correct?

23 A Yes, I had forgotten about the three children.

24 Q That's okay. I recently had it reviewed with me,
25 so it, it's something that -- I, I benefited from that. In

1 any event, my question is, is that, in fairness, however,
2 the provincial model also includes certain assumptions,
3 particularly with respect to operational funding; you would
4 agree with me? That, in terms of the provincial funding
5 model, there are certain assumptions that are made in the
6 provincial model that are not based on actual numbers? And
7 I'm talking specifically with respect to operational
8 funding.

9 A Are you referring to such items as the costs for
10 board costs, corporate agency legal costs, those
11 operational costs? Or the 15 percent operational costs
12 that's attached for the calculation of operating the agency
13 with the workers?

14 Q The latter.

15 A The latter? Okay.

16 Q So with respect to those operational costs,
17 they're calculated at 15 percent of salaries and benefits
18 for the agency; correct?

19 A Yes.

20 Q And that's irrespective of what the agency's
21 actual operational costs are; you would --

22 A Yes --

23 Q -- agree with me?

24 A -- they would be used as an assumption, in terms
25 of the percentage of costs that an agency would general

1 occur, or incur, for operational costs.

2 Q And in fairness, you, you acknowledged, quite
3 readily, in your testimony with Ms. Walsh earlier this
4 afternoon, that there were certain aspects of the funding
5 model that weren't adequately addressed in the initial
6 model and that those had been tabled as issues that will be
7 addressed in round two, which is starting, as I understand
8 it, in the 2013/2014 fiscal year --

9 A Um-hum.

10 Q -- is that correct?

11 A Correct.

12 Q One of those is additional costs created by
13 multiple site agencies?

14 A That was one of the issues.

15 Q Okay. Now, you would agree with me that with
16 respect to those operational costs that are paid for by a
17 non-departmental agency, out of the 15 percent funding that
18 we've just talked about, that that is calculated at a
19 different rate and it is funded differently than, say, for
20 example, Winnipeg CFS? Their operational funding is not
21 calculated based on 15 percent of salaries and benefits,
22 but it's calculated on actual expenses; is that not
23 correct?

24 A I don't believe so.

25 Q So they're also limited to 15 percent of

1 salaries --

2 A I think --

3 Q -- and benefits?

4 A -- I believe so, yes.

5 Q Okay.

6 A And Winnipeg is also subject to some of the other
7 practices within government with respect to things like
8 turnover allowance. So they, for example, may have to
9 calculate the vacancies that they have over a period of
10 time and they wouldn't be allowed to carry that money over
11 for other purposes. So that, that's one of the issues that
12 Winnipeg has, as being part of the government, in terms of
13 some of the general practices within government.

14 Q Now, as we've heard from Ms. Freeman, in the case
15 of NCN, their operational expenses exceed the 15 percent
16 allocation that's provided in the funding model. And the
17 way they cover off those operational expenses is by short-
18 filling staff positions and clawing that money back,
19 reallocating those resources to provide for their
20 operational requirements. At Winnipeg CFS, if their
21 operational requirements exceed the 15 percent budget
22 allocation, that's going to result in a deficit in their
23 funding as well; would you agree with me? Assuming that
24 their operational expenses are greater than that 15 percent
25 funding allocation?

1 A With that assumption, yes.

2 Q Okay. Now, one of the questions that Ms. Walsh
3 asked you earlier today was are there any benefits that
4 Winnipeg CFS, or other agencies that exist within the
5 department have relative to non-department agencies, such
6 as First Nations agencies and you indicated that you
7 couldn't think of any at the time. You're not suggesting
8 that there are no such benefits, are you?

9 A Well, I, I really don't know if there would be
10 benefits. I believe that there may be issues that I'm not
11 aware of, but generally speaking, Winnipeg Child and Family
12 Services is funded based on the same model as every other
13 agency that we have in, in the province of Manitoba. The,
14 the agency, however, has to work within the parameters of
15 the fiscal arrangements of government and therefore,
16 doesn't have some of the same things available to it as
17 agencies that do not work within government.

18 Q They would also have certain advantages, would
19 you not agree?

20 A They may, but I'm not in a position to, to speak
21 to those.

22 Q Can I suggest to you that they benefit, in one
23 case, from the application of GST? As a government agency,
24 they're exempt from paying GST on all goods and services
25 that they purchase, or require for the operation of their

1 agency?

2 A I'm not too sure about that. I, I just don't
3 know.

4 Q Okay. Are you aware that First Nations agencies,
5 with respect to their provincial operations, are subject to
6 GST, however, they receive a 50 percent credit back at the
7 end of the year? But nevertheless, they have to pay the
8 GST up front with respect to all goods and services
9 relevant to their operations?

10 A No, I wasn't aware of that.

11 Q Okay. Were you aware, as well, that Winnipeg CFS
12 also has access to other government services, such as
13 property management and capital development resources that
14 exist outside the department? Were you aware of that?

15 A I, I believe that their leases are with, with,
16 negotiated through government MIT.

17 Q And that's not a service that Winnipeg CFS is
18 required to fund out of its funding allocation, is it?

19 A The actual lease costs?

20 Q No, the cost for negotiating the leases on their
21 behalf.

22 A I would suspect that they don't.

23 Q Okay. As well, with respect to group health
24 benefits, the Province is able to offer substantially
25 better group health benefits than is available through a

1 small agency, at 15 percent; would you agree with me?

2 A I haven't done a thorough analysis of that, so I
3 wouldn't know the answer to that one.

4 Q In terms of labour relations, Winnipeg CFS has
5 access to the labour relations department of the government
6 and it's not charged a fee for negotiating those labour
7 relations agreements; would you agree with that?

8 A Which labour --

9 Q Well, with respect to negotiating with the union,
10 in terms of direct service workers --

11 A Oh, the direct service workers. Okay. I was
12 just not too sure where you were going --

13 Q Sure.

14 A -- with that one. That's a potential, yes.

15 Q As well, there's significant IT funding that's
16 available to Winnipeg CFS through the department that's not
17 costed out to Winnipeg CFS?

18 A I believe that their IT costs are calculated in
19 the same way as we do all other agencies, the hundred and
20 ten per month and then they get their residual, just like
21 the other agencies do for the desktop supports.

22 Q Sure. First Nations agencies, however, are
23 capped with respect to the funding that was provided under
24 the resource transfer tables for IT and there has never
25 been an increase under the new model, nor any other

1 mechanism, since the RTTs; would you agree with me?

2 A I, I believe that that number has stayed static
3 across government and there has been no increases for other
4 areas either.

5 Q If, for whatever reason, Winnipeg CFS runs a
6 deficit, Dr. Linda Trigg testified earlier, in the inquiry,
7 that where that occurs, that deficit is absorbed by the
8 government; would you agree with me?

9 A For the current situation?

10 Q For Winnipeg CFS.

11 A For Winnipeg CFS? I don't know if they have had
12 a deficit in the last number of years and whether there was
13 a deficit that was absorbed. I'm aware of the fact that,
14 in some other cases, another agency has had some
15 difficulties and it was because it was new and there was
16 growth expectation, so there was some application of
17 additional resources to accommodate that.

18 Q The information that I have is that Winnipeg CFS
19 has, in fact, run a deficit for the last, at least, five
20 years and that that deficit has exceeded nine million
21 dollars over the last five years. If I'm correct in that
22 that deficit is simply absorbed by the province, would you
23 not agree that that's substantial additional funding that
24 Winnipeg CFS receives that First Nations agencies are not
25 entitled to?

1 MR. MCKINNON: Just, if I can object to that.

2 Before you answer the question, I think it's,
3 it's quite an assumption.

4 I don't know if the witness agrees with the
5 assumption, so --

6 MR. FUNKE: Sure.

7 MR. MCKINNON: -- maybe ask her to, about the
8 assumption --

9 MR. FUNKE: Sure.

10 MR. MCKINNON: -- first.

11 MR. FUNKE: Madam Clerk, if you could call up tab
12 105 from the disclosure materials that were provided with
13 respect to Ms. Freeman's testimony? I apologize, I can't
14 remember which exhibit number it was. (Inaudible) was
15 number, whoops, (inaudible), number 60, tab 105. Go up
16 two. Right there.

17

18 BY MR. FUNKE:

19 Q So this table --

20 THE COMMISSIONER: What exhibit number is this?

21 MR. FUNKE: It's Exhibit number 60, Mr.
22 Commissioner, tab 105.

23

24 BY MR. FUNKE:

25 Q This is a table that was prepared by Ms. Freeman,

1 which she acknowledged in her evidence, when she first took
2 the stand. And as you can see, all the amounts have been
3 taken from the Province's annual reports. In the very
4 first table, the very last line is Winnipeg CFS and shows
5 that 2005 and in 2006, they ran a deficit of just under two
6 million dollars. In 2006 and 2007, again, they ran a
7 deficit, one point -- almost 1.6 million dollars. In
8 '07/08, they ran a deficit of almost 2.5 million dollars.
9 In '08/09 they ran a deficit of almost 1.4 million dollars.
10 In 2009/2010, there was a deficit of 2.7 million dollars.
11 2010/2011, again another deficit, 2.3 million dollars and
12 then in 2011 and 2012, there was a deficit of one million
13 dollars.

14 MR. MCKINNON: Mr. Commissioner, I'm just rising
15 to ask the witness whether she has any idea whether these
16 numbers are accurate? Because we will be calling the CEO
17 of Winnipeg CFS later. I, I just want to make sure the
18 witness is not guessing, or relying on somebody else's
19 numbers. If she has knowledge, I don't object.

20 THE COMMISSIONER: Well, we'll see what she says.

21 THE WITNESS: I, I would have to look at the, the
22 source documents on these, in order to make any comment
23 about them, because I, I believe that I really don't have
24 the information that you're searching for.

25

1 BY MR. FUNKE:

2 Q Dr. Linda Trigg testified that when Winnipeg CFS
3 runs a deficit, that it was absorbed by the Province and
4 that they were not required to carry it over into their
5 next funding year. You've no reason to disagree with her
6 testimony; correct?

7 A No, I don't.

8 Q All right. You'd agree with me that that same
9 consideration is not afforded to First Nations agencies?
10 If they run a deficit, that deficit carries over and
11 they're expected to recover that from funding in the next
12 year; would you agree with me?

13 A The, the process that has been undertaken in the
14 contribution agreements, indicates surpluses can be kept by
15 First Nations and Métis agencies and deficits have to be
16 dealt with.

17 Q And that has always been the case? They were
18 never --

19 A Yeah.

20 Q -- they were --

21 A That's correct.

22 Q -- always expected to resolve their deficits;
23 correct?

24 A That's correct. Yeah. We have, however, had
25 some situations where First Nations agencies have had some

1 difficulties, in terms of end of year funding and those
2 have also been addressed on a one-by-one situation.

3 Q And that's the exception, rather than the rule?

4 A That would be the exception, not the rule,
5 you're --

6 Q Very good.

7 A -- correct.

8 Q And with respect to the new funding model, there
9 were a number of minimum requirements that the agencies had
10 to be meet in order to be determined eligible to receive
11 their new funding; is that correct?

12 A Yes.

13 Q One of those is, is that the agencies were
14 expected to be CFSIS compliant; is that right?

15 A Yes.

16 Q One of the other expectations that we've already
17 discussed is that the agencies are expected to run balanced
18 budgets?

19 A Yes.

20 Q The last expectation was that agencies were
21 expected to repay any CSA monies; is --

22 A Yes.

23 Q -- that's correct? And CSA monies refer to
24 children's special allowance; correct?

25 A That's correct.

1 Q And children's special allowance is a program run
2 by the Federal Government, set out under the Children's
3 Special Allowance Act, which allows for additional funds
4 for children who are in care; is that correct?

5 A The children's special allowance is the resources
6 that the Federal Government would provide to any parent in
7 order to support the care of a child. When a child comes
8 into care, those dollars are then applied to the care of
9 the child. Through child maintenance, the, the province
10 and the Federal Government identify the components of what
11 care is and those eligible expenses then are paid a hundred
12 percent to the agencies. And then, for the provincial
13 children, the Government always had retrieved those dollars
14 from the agencies because of the full payment of the child
15 maintenance.

16 Q Now, during the years that we're talking about,
17 were during the years prior to the funding model; correct?

18 A Prior to.

19 Q And that was during the time that the agencies
20 were receiving fundings (phonetic), funding under the old
21 resource transfer table arrangement. And the Province
22 acknowledged that the funding that was provided to the
23 agencies, under the old RTT funding model, was insufficient
24 and that's what prompted the new funding model; correct?

25 A That's correct.

1 Q So even though agencies were being underfunded,
2 based under the old funding model, which prompted the new
3 funding model to be developed, agencies that received CSA
4 money from the Federal Government, which may or may not
5 have been used to offset those funding deficiencies that
6 the Province now acknowledges, the Province's position now
7 is that in order to receive the new funding model, the
8 First Nations agencies have to make good on the repayment
9 on that CSA monies to the Province --

10 A Yes.

11 Q -- am I correct? And the Province's position is,
12 is that if the agencies refuse to pay that CSA money to the
13 Province, that's considered a deficit --

14 A Um-hum.

15 Q -- at the agency level; correct?

16 A That's right.

17 Q And if the agencies do not voluntarily agree to
18 repay that money, then the new funding model funding is
19 withheld at a percentage that reflects that deficit; am I
20 correct?

21 A Yes, I believe that there was an arrangement
22 worked out where there would be a 20 percent amount, over a
23 period of time, until the historical resources were repaid.

24 THE COMMISSIONER: That's be a provision of the
25 model?

1 THE WITNESS: Pardon me?

2 THE COMMISSIONER: That would be a provision of
3 the model, would it?

4 THE WITNESS: That was a, a provision of the
5 model for the dollars to be released, yes.

6

7 BY MR. FUNKE:

8 Q So those agencies, it's anticipated, or it's,
9 it's, at least it's understandable, that those agencies may
10 have used that money to offset the deficiencies in the
11 previous funding model. But in order to receive the
12 funding from the new funding model, those agencies must now
13 repay that money to the Provincial Government; is that
14 correct?

15 A There were agencies that were very compliant with
16 the return of the children's, child, children's special
17 allowance. There were some agencies that were not as up-
18 to-date in the return of the dollars that they had that
19 were already funded to them through the child maintenance
20 dollars. So, in the course of the development of the five
21 year business plans, agencies were asked to come in with
22 plans as to how they were going to address the issues of
23 the, of the payments of the children's special allowance.
24 And the province had, in, in, in the past, always retrieved
25 the dollars from children's special allowance.

1 So there was a real variety, or variation between
2 agencies with respect to providing the funding back to
3 government.

4 Q And in terms of the payment of the CSAs, you'll
5 agree with me that there is a, a, a very stark difference
6 of opinion with respect to some of the agency's position on
7 that issue and that, you'll agree with me, that some of the
8 agencies take the position that Section 7 of the CSA Act
9 specifically prohibits the assignment of those funds to the
10 Provincial Government? You're aware of that?

11 A Yes, I am.

12 Q And that the Federal Government takes the
13 position that those funds ought not to be assigned or
14 advanced and that if they're not going to be used for the
15 purposes of the child, they need to be returned to the
16 Federal Government?

17 MR. MCKINNON: I rise on that one again. I don't
18 know if the witness is aware of the position of the Federal
19 Government on a legal --

20 THE COMMISSIONER: Well, but, but --

21 MR. MCKINNON: -- issue.

22 THE COMMISSIONER: -- she'll be able to tell us
23 that.

24 MR. MCKINNON: I'm just reminding her not to
25 guess.

1 THE COMMISSIONER: Well, I, I, I, I think she's
2 quite well informed to tell us if she's not able to answer
3 the question.

4 THE WITNESS: I believe that the Federal
5 Government has not made any final decisions with respect to
6 what their position is around the CSA and they operate on a
7 year-to-year direction to agencies. So I believe it's
8 under discussion and under review with the Federal
9 Government.

10

11 BY MR. FUNKE:

12 Q So, in other words, that leaves the agencies
13 somewhat betwixt and between? They have a demand being
14 made by the Provincial Government to remit those CSAs
15 monies to the province, based on your evidence, they're in
16 somewhat of a limbo with respect to their position relative
17 to the Federal Government and their reclamation of those
18 CSAs money, but there's also Section 7, that says they may
19 not assign it and the agencies are somewhat reluctant to do
20 so, under concern that they may violate the CSA Act --

21 A Yeah, the CSA Act is --

22 Q -- so --

23 A -- quite clear about what the purpose of the
24 resources are.

25 Q Sure. So if the agency is reluctant to advance

1 that money, based on concerns that they may violate the Act
2 and because there's still this outstanding question with
3 the Federal Government, the Province is taking the position
4 that unless they comply with the provincial demand for that
5 money, the Province is withholding up to 20 percent of
6 their funding under the new model?

7 A That's correct.

8 Q The last thing I wanted to talk to you about was
9 evidence that you gave later in your testimony this
10 afternoon, with respect to the, the Information Matters
11 program. And you had talked about, in 2009, there was a
12 request made to the treasury branch with respect to funding
13 for what was described as the scoping phase of that
14 project?

15 A Um-hum.

16 Q And as I understand it, treasury branch denied
17 the request for funding and as a result, the program
18 stalled and didn't really move forward?

19 A That's correct.

20 Q And, and as I understand your testimony, and
21 perhaps I'm reading somewhat between the lines, not much
22 has happened in the intervening time?

23 A The one piece that did happen in the intervening
24 time was an assessment of the opportunity to look at what
25 we would refer to as a common front end, between EIA and

1 Child and Family Services. So there was some work done
2 with our IT branch and with Industry, Energy and Mines, who
3 is responsible for technology, to begin to look at what
4 that kind of a system would look at. That was done more as
5 internal staff doing that work. We kept our focus on
6 improving the components of CFSIS, in terms of trying to
7 look at the enhancements that we were continuing to build
8 into it, because you can't just leave a system stagnant
9 over a number of years. And now, at this point in time,
10 we're ready to proceed with the continuation of that
11 scoping.

12 Q And that's what I was going to get to. I
13 understood your testimony to be that we were now in the
14 scoping phase, but that's the same phase where we had
15 requested funds of the treasury branch in 2009 and were
16 denied; correct?

17 A Um-hum.

18 Q Has a renewed request for that funding been made
19 to treasury at this point?

20 A Yes.

21 Q And have we received an answer?

22 A Well, our budget is just being debated right now
23 in the House, so --

24 Q So whether or not we can -- and of course, by we,
25 I mean, the system, the branch, whether or not the branch

1 can proceed with that Informations, Informations (sic)
2 Matters project, in the scoping phase, will depend on
3 whether or not your request for funding is approved?

4 A Yes.

5 Q And if it's not, we're status quo? If the
6 funding is approved, we then move with Information Matters
7 scoping phase --

8 A Yes.

9 Q -- is that correct?

10 Those are my questions, Mr. Commissioner, Thank
11 you.

12 THE COMMISSIONER: Thank you, Mr. Funke.

13 All right. We've still, we've got a quarter
14 hour, who would like -- Mr. Ray?

15 MR. RAY: Yes, good afternoon, Mr. Commissioner
16 and good afternoon, Ms. Loepky.

17 Ray for the monitor.

18 I should be fairly brief, Mr. Commissioner.

19

20 CROSS-EXAMINATION BY MR. RAY:

21 Q Ms. Loepky, yesterday, you commenced your
22 evidence with a remark that I think was fairly obvious, and
23 that was that the department took the recommendations very
24 seriously and I'm talking about the recommendations that
25 came out of those various reports. And we know now that

1 that resulted in significant amount of dollars being input
2 into the system and that resulted in many beneficial
3 changes to the system, significant changes; you'd agree
4 with me, ultimately, those will result in significant
5 improvements to the services to families, or at least are
6 intended to result?

7 A Yes, I believe that was on Thursday when I made
8 those comments, not yesterday.

9 Q Yeah, I, I was here yesterday, I don't know where
10 the rest of you were. But it may have been Thursday.

11 You'd agree with me, Ms. Loepky, that many of
12 the concerns that were identified by the report writers
13 were initially concerns that were also raised by the union,
14 dating back to 2001; correct?

15 A I wasn't in my position from 2001 to 2006, but
16 from the preparation for the inquiry and reading the
17 documentation, I would suggest that the union had raised a
18 number of similar kinds of concerns, yes.

19 Q Correct. Thank you. You mentioned a number of
20 positions that were created for the system, as a result of
21 the funding and I just want to clarify your evidence. I
22 think you said that, as a result of the funding model,
23 there were approximately more than 200 positions that were
24 created and am I correct in understanding that those are
25 frontline social worker positions, or frontline positions?

1 A The 200 that you're referring to --

2 Q Yes.

3 A -- would be from the funding model. Those would
4 be for protection case workers, prevention workers, they
5 could be for supervisors and also some additional
6 positions, such as the child abuse coordinator or quality
7 assurance specialists, that type of position. But they
8 would all be basically supportive of frontline work.

9 Q Thank you. We heard, in phase 1, social workers
10 testify very positively about many of the supports that
11 were provided by a couple of collateral resources, one
12 being Ma Mawi and another being Andrews Street, I think, is
13 the name of it.

14 A Um-hum.

15 Q And I notice, in your materials, that those are
16 two institutions that are, directly receive funding from
17 the department; is that correct?

18 A Yes, they receive funding from my appropriation.

19 Q And is it fair to say that the social workers
20 put, who put a fair amount of reliance on those staff, that
21 that's endorsed by the department, by the nature of them
22 actually recognizing them for the purposes of funding?

23 A Well, we believe that these agencies that we fund
24 provide a valuable service to families and to children.
25 The nature of the service that they would be providing, if

1 it was a partnership that was being developed between the
2 agency and the non-mandated agency would definitely, I
3 believe, provide a valuable service.

4 Q Thank you. Could we, Madam Clerk, bring up
5 Exhibit 69 please? You can just stay there, thank you.
6 And perhaps you could scroll down just a little, so we can
7 see the heading, or scroll, scroll so the top of the page
8 is, is visible. Thank you, that's fine.

9 I just have a question about the funding to these
10 types of agencies. And, and for example, using Addictions
11 Foundation, it appears that they receive funding directly
12 from the department; is that correct?

13 A Yes, that's correct.

14 Q Okay. And a, a large entity, such as Addictions
15 Foundation, would receive, undoubtedly would receive
16 funding from government generally. Probably the, the great
17 majority of its funding would come from, from government;
18 correct?

19 A That's correct. And as I indicated earlier,
20 these are only amounts that come out of my appropriation.
21 There would be other government appropriations from other
22 government departments that may also make contributions to
23 these agencies, but for some very specific things.

24 Q And that was going to be my question, is because
25 the department is funding Addictions Foundation, for

1 example, does the department have a say in how its funding
2 dollars are used by Addictions Foundation, or does it just
3 essentially go into the addiction, the AFM pot, for them to
4 decide on their own programming?

5 A The resources that we would be providing would be
6 for something very specific and it would be outlined in a
7 service purchase agreement.

8 Q Tied directly to child --

9 A Tied to some --

10 Q -- family services?

11 A -- specific services that are being purchased.

12 Q Thank you. You mentioned standards and you
13 mentioned the 2005 standards and the fact that they became,
14 I guess, officially operative in January 2005; is that ...

15 A The communication that went to agencies and
16 authorities was that there was an expectation that these
17 would become operational in January of 2005.

18 Q Right.

19 A My understanding is that agencies and authorities
20 were looking first to do some training and there may have
21 been some staggered implementation, as a result of that.

22 Q And that was going to be my question, was, we've
23 heard evidence that, from, from social workers, that the
24 majority, if not all of them, did not receive standards
25 training until approximately 2006; would that be consistent

1 with your understanding?

2 A I wouldn't be able to identify the, the dates.

3 Q Okay. So you wouldn't be able to say one way or
4 the other --

5 A That's --

6 Q -- as to whether that's correct?

7 A -- that's correct.

8 MR. RAY: Okay.

9 THE COMMISSIONER: But does that mean that they
10 wouldn't become operative until the training had occurred?

11 THE WITNESS: That's my understanding.

12

13 BY MR. RAY:

14 Q Thank you. And those new standards also became
15 operative prior to the new positions that were added to the
16 system in roughly 2006/2007, as a result of the reports;
17 correct?

18 A Correct.

19 Q Thank you. Ms. Walsh asked you a question about
20 prevention and the fact that prevention would be
21 beneficial, it would have a beneficial result for families
22 and then she also added, as well, for workload. And I
23 think I understand what her, her point is, is that
24 ultimately, if prevention is successful, we will reduce the
25 volume of work totally within the system, thereby reducing

1 the number of cases that have to be addressed by social
2 workers; was that your understanding of her question?

3 A It was.

4 Q You'd agree with me though that preventative
5 services offered by a social worker, on a case-by-case file
6 (sic), are more time consuming and that's why we have the
7 lower funding ratios for those, one to 20; correct?

8 A I believe that we have the lower ratios because
9 we recognize that we want to see more time limited contact
10 for prevention and if cases are streamed appropriately, the
11 prevention work for, for family enhancement should be able
12 to be done in shorter periods of time.

13 With respect to looking at time intensity, that's
14 also the opportunity though, that we have talked about,
15 where the use of services outside of the child welfare
16 sector can also be used. So some of those partnerships
17 that can be developed can also eliminate the direct
18 requirement for a case worker to be the only person working
19 with the family.

20 Q Yes, and but you -- in terms of Professor
21 Wright's (phonetic), we heard her talking about, generally
22 speaking, the fact that preventative services take, tend to
23 take a great more -- and I -- more amount of time, from a
24 social worker perspective, because they are attempting to
25 become significantly involved with the family and that

1 would be more time consuming than some other types of
2 protection work?

3 A And I, I don't have any kinds of evidence that
4 would demonstrate that, only generally speaking, that's
5 what some of the experts say.

6 MR. RAY: Thank you.

7 Thank you, Mr. Commissioner, those are my
8 questions.

9 THE COMMISSIONER: Thank you --

10 MR. RAY: Thank you, Ms. Loepky.

11 THE COMMISSIONER: -- Mr. Ray.

12 Now, it will be Mr. McKinnon and, and Ms. Walsh
13 to re-examine. Is there anybody else?

14 Ms. Harris?

15 MS. HARRIS: Two brief questions. Two very brief
16 questions --

17 THE COMMISSIONER: Sure.

18 MS. HARRIS: -- Mr. Commissioner.

19

20 CROSS-EXAMINATION BY MS. HARRIS:

21 Q Ms. Loepky, can you please -- we've heard a lot
22 of discussion about prevention files and protection files,
23 but could you please tell us exactly what the criteria for
24 a file to be considered a family enhancement file?

25 THE COMMISSIONER: Considered a what?

1

2 BY MS. HARRIS:

3 Q A family enhancement file, versus a protection
4 file?

5 A Versus a protection file?

6 Q Um-hum.

7 A In a protection file, for a family protection
8 file, there is still a concern about the safety of a child,
9 or the children in the home and the monitoring that goes on
10 with a family protection file would be quite significant,
11 as we can see, in standard 1.1.4. And the plan that would
12 have to be developed is that the child would be safe in the
13 home, with a plan. So that would generally be the family
14 protection case.

15 In terms of the prevention case, we would
16 identify that the child would not be at risk of any harm,
17 would be safe at the time when the file was being opened.

18 Q So just to be clear, the criteria for a file to
19 qualify as a family enhancement case, in the department's
20 view, is that, on a safety assessment, the child must rank
21 as safe --

22 A Yes.

23 Q -- not safe with a plan and not unsafe, but --

24 A Safe.

25 Q -- only safe?

1 A That's correct.

2 Q And otherwise, it's the department's view that
3 those files do, other files don't qualify, including --

4 A That's correct.

5 Q So you would agree with me that there are times
6 where a child can be made safe with a plan and would then
7 receive those services; is that fair to say?

8 A I, I think that's a fairly large generalization,
9 however, it could be possible.

10 Q It could be possible that a child is made safe
11 with a plan and then is receiving some prevention services,
12 so -- in hopes that that child would not need to be taken
13 into care? That's --

14 A Perhaps --

15 Q -- what I'm asking.

16 A -- yes, perhaps.

17 Q And in that instance, that file would be
18 qualified -- would be considered a protection file,
19 notwithstanding the services that were being provided?

20 A That's right.

21 Q How is the allocation of core positions at each
22 authority determined? In other words, what's the formula
23 or the rationale to determine which authority -- how
24 authorities are funded with respect to their core
25 positions?

1 A The initial allocation of resources to the
2 authorities, when they were first mandated, in 2003, I
3 think, was done as a, as a core and everyone received the
4 same amount of resources. So it was, I believe, seven
5 positions that each one of them had. So it was the CEO,
6 the CFO, some administrative staff, some financial clerks,
7 I believe, and a couple of policy positions. After that,
8 when the positions were being added to the authorities, it
9 was generally done on size of the authority and the number
10 of cases or agencies that each of the authorities had as
11 their responsibility.

12 So there is no formal model at this point, for
13 authority funding. So the discussions would often occur at
14 standing committee, with respect to what the total
15 allocation of resources was and then how it would be
16 distributed to the variety of authorities.

17 MS. HARRIS: Thank you. Those are my questions.

18 THE COMMISSIONER: Thank you, Ms. Harris.

19 Now, how does that leave in the gallery? Anyone?
20 I guess not.

21 Mr. McKinnon, are you going to be long?

22 MR. MCKINNON: No, I'm not going to be long and
23 if it takes until five minutes after, would you like me
24 to --

25 THE COMMISSIONER: No, I think if you're going to

1 be that short, we'll take it. Have you, you got any
2 questions so far?

3 MS. WALSH: I do not.

4 THE COMMISSIONER: So you may as well finish, Mr.
5 McKinnon.

6 MR. MCKINNON: Thank you, Mr. Commissioner.

7

8 RE-EXAMINATION BY MR. MCKINNON:

9 Q Ms. Loepky, I'm going to ask you just to comment
10 -- I'm going backwards in my notes here and I'm going to
11 ask you to comment a little bit about a question that Ms.
12 Walsh asked you, about the funding model and she was asking
13 you the question in the context of the block funding of
14 maintenance that was a pilot project that Elsie Flette
15 spoke about.

16 A Um-hum.

17 Q And stop me if I'm misunderstanding this, because
18 I'm not sure, but I'm, I'm, I'm -- my thinking is that you
19 may not have answered Ms. Walsh's question and it may be
20 important.

21 My understanding of the, the particular project
22 that Ms. Flette spoke about, it, it was fundamentally the
23 agency saying to the funder, rather than giving, giving us,
24 on, on, on a fee for service basis, all the maintenance
25 costs for children in care, give us that money as a block

1 and we'll spend it and guarantee to you, we won't spend
2 more than that amount. That was the essential core of that
3 agreement?

4 A Yes, it was a capped amount of funding.

5 Q And when Ms. Walsh asked you whether or not the
6 funding model would affect that kind of a funding
7 arrangement, I don't know that you directly answered her.
8 And my -- the question I'm, I'm seeking to get some
9 clarification on, because my understanding is that the
10 funding model doesn't pertain to maintenance?

11 A That's correct. The, the funding model for the
12 agency funding would essentially stay the same. It's the
13 manner in which the child maintenance funding would be
14 dealt with which would be different. So that, again, if I
15 understand it, there's nothing in our current funding model
16 that would preclude that type of pilot project that was run
17 -- was it West Region that ran it?

18 A That's correct.

19 Q There was, there's nothing that would preclude it
20 in the funding model? They're different envelopes, if I
21 can use that --

22 A That's correct --

23 Q -- phrase?

24 A -- yes.

25 Q In, again in response to a question by Ms. Walsh,

1 you made reference to a 21 block study, that was a, a study
2 done of all the resources in a 21 block area of downtown
3 Winnipeg?

4 A That's correct.

5 Q And I believe you said it was a 2006 study?

6 A That's my recollection.

7 Q I'm, I'm just going to correct the record on
8 that. My understanding is that was a 2011 study, but
9 perhaps we can get Madam Clerk to bring it up. I think it
10 is Commission disclosure 2161. Oh, you'll need --

11 THE CLERK: (Inaudible) page --

12 MR. MCKINNON: -- a page number --

13 THE CLERK: -- (inaudible).

14 MR. MCKINNON: -- 46360. Now, this is in the
15 middle of the study. Maybe you can back up, Madam Clerk, a
16 few pages, all the way to page 1, so the witness can see
17 the ...

18 UNIDENTIFIED PERSON: One more.

19 MR. MCKINNON: One more page.

20

21 BY MR. MCKINNON:

22 Q Okay. Is, is that the map that you were thinking
23 of --

24 A Yes.

25 Q -- the 21 blocks?

1 A That's -- yes, I was, yes.

2 Q And if we can go back one more page.

3 There, is that --

4 A That's my error, it's January 2011.

5 Q All right. And the other point I wanted to bring
6 out, if we could go to the next page, which was the map.
7 It's a very poor quality map, but in colour it looks much
8 better. The point is, in this 21 block area, there are
9 literally dozens of programs and services being offered
10 that are referenced in this study?

11 A That's correct.

12 Q And if we move to page 46360, this paragraph,
13 3.2, it refers to key assets -- oh, sorry, that's the
14 adjacent.

15 If you could back up, Madam Clerk and the, I'll
16 get you to stop there, at 3.1, assets and programming
17 within the 21 block area.

18 This is a map and this is a, a study that shows
19 not just provincial programming, but also Federal
20 programming?

21 A Correct.

22 Q Municipal programming?

23 A Yes, City of Winnipeg.

24 Q Private programming?

25 A Yes.

1 Q Charitable programming?

2 A Yes.

3 Q So that it, it gives an illustration that there
4 are multiple resources within this area?

5 A Yes.

6 Q And again, in terms of the, the whole concept of
7 the role of a social worker and, and, and, and accessing
8 resources, can you comment, to some extent, as to what you
9 would expect social workers to do, in terms of providing
10 assistance and, and, and, and guidance to their clients
11 with respect to accessing these kinds of programs?

12 A Well, if a social worker was working in these 21
13 blocks, they would be able to have the information about
14 the types of programs and resources and services that would
15 be available through community-based agencies. Having that
16 knowledge and building your support plan, along with the
17 family, they may identify that they have some interest, or
18 need that would match with the types of services that were
19 being provided by one of these community-based agencies.

20 So it would, in effect, allow more of a
21 neighbourhood, or a community-based approach to having a
22 family access some of the resources.

23 Q And that's something you'd expect social workers
24 to do, in addition to whatever other funds you might make
25 available through your division?

1 A I think one of our general things that we've
2 talked about a fair bit, with respect to the implementation
3 of family enhancement is the development of partnerships
4 with collaterals and developing those relationships so that
5 those collaterals can provide supports to families.

6 Q Okay. And finally, this was one of the first
7 questions and both Ms. Walsh and the Commissioner asked you
8 about this and this was the reference to the role of
9 standing committee and who it reports to.

10 And I want to ask Madam Clerk, if you could bring
11 up Exhibit 11. I think that's the correct exhibit.

12 THE CLERK: (Inaudible).

13 MR. MCKINNON: The one that was filed on day one.

14 THE CLERK: (Inaudible).

15 MR. MCKINNON: Yes, this is the 2004 to current.
16 This, this is the one that shows the role of standing
17 committee.

18

19 BY MR. MCKINNON:

20 Q And the membership of the standing committee is
21 the CEOs of the four authorities?

22 A Correct.

23 Q And the director of child welfare, or someone on,
24 on your behalf?

25 A That's correct.

1 Q And you would then report to the deputy minister
2 and then the minister on what was happening at, at standing
3 committee; is that fair?

4 A Absolutely.

5 Q So it's not that there's no report at all,
6 there's no report other than through yourself?

7 A That's correct.

8 THE COMMISSIONER: But is it on -- do you report
9 on behalf of standing committee?

10 THE WITNESS: No, I don't. I report to the
11 minister on any of the issues or identified concerns, or
12 achievements that have been made, or issues that have been
13 presented by the authorities. The standing committee has
14 had meetings with the deputy and has also met directly with
15 the minister on occasions.

16

17 BY MR. MCKINNON:

18 Q But from day-to-day, to day, would you be the
19 minister's representative on that committee?

20 A I, I would see it that way, yes.

21 MR. MCKINNON: Thank you. I just wanted to make
22 sure that point was clear, thank you.

23 Those are all my questions, Mr. Commissioner.

24 THE COMMISSIONER: All right. Now, Ms. Walsh,
25 anything further?

1 MS. WALSH: Just one quick question.

2 THE COMMISSIONER: Yes?

3

4 CROSS-EXAMINATION CONTINUED BY MS. WALSH:

5 Q With reference to that 21 block study --

6 A Yes.

7 Q -- we talked a lot, you and I, this afternoon,
8 about all of the statements in the evaluations of
9 differential response and reports and recommendations about
10 the need to support community agencies. And we see from
11 that 21 block study, that there are a number of agencies
12 that exist. Is it fair to say though that for differential
13 response service delivery to be effective, you need more
14 than just the existence of the agencies? In other words,
15 you need someone to coordinate the, between the service
16 users, the family, and the agency, to make sure that the
17 family gets the services they need, that they're not just
18 stuck on a waiting list, that they, if they don't have a
19 phone, that somebody makes the phone call, makes sure that
20 they are actually connected with the services that the
21 agencies can provide?

22 A I think that's actually a very important point,
23 because we've often heard, in the past, of people being
24 provided with information about where they could go and
25 they may not actually get there. And I think the way that

1 we've organized our family enhancement, with supports both
2 at the Child and Family Services agency and with the
3 understanding that community collaterals would be providing
4 services, that there's a continuity link there and also an
5 opportunity to track the family, to see if they're getting
6 what they need and then to consistently update the case
7 plan, which is done in the family enhancement model.

8 Q So is that the responsibility of a prevention
9 worker?

10 A I would see it as such, yes.

11 Q Or a protection worker who's utilizing --

12 A Yeah.

13 Q -- prevention services?

14 A That's right.

15 Q Yeah.

16 A Yeah.

17 MS. WALSH: Thank you.

18 THE COMMISSIONER: All right, witness, thank you
19 very much.

20 THE WITNESS: Thank you.

21 THE COMMISSIONER: You're completed your tour of
22 duty.

23

24 (WITNESS EXCUSED)

25

1 THE COMMISSIONER: Now, Ms. Walsh, you heard me
2 make reference to Mr. Funke about the witness he indicated
3 he might have, like to have recalled -- yes?

4 MR. FUNKE: Yes, Mr. Commissioner, I can advise
5 that, based on the evidence of Ms. Loeppky and the thorough
6 examination that Ms. Walsh did, I do not intend to recall
7 Ms. Freeman. I think that that issue has been --

8 THE COMMISSIONER: That's --

9 MR. FUNKE: -- sufficiently covered this
10 afternoon, that we don't need to hear from Ms. Freeman.

11 THE COMMISSIONER: -- that's just what I was
12 going to get at her, to, to make those arrangements with
13 you, but you've --

14 MR. FUNKE: It's taken care of.

15 THE COMMISSIONER: -- covered that nicely.

16 MR. FUNKE: Thank you, Mr. Commissioner.

17 THE COMMISSIONER: Thank you. So we'll start in
18 the morning then with your next witness, Mr. --

19 MR. MCKINNON: Mr. Rodgers will be up next and
20 I'll direct him first and Ms. Harris will direct him
21 second.

22 THE COMMISSIONER: Fine. All right. We stand
23 adjourned until 9:30 tomorrow morning.

24 MS. WALSH: Thank you, and we are sitting
25 tomorrow evening?

1 THE COMMISSIONER: We are and we will --

2 MS. WALSH: Possibly Wednesday.

3 THE COMMISSIONER: -- also Wednesday if we need
4 it.

5 MS. WALSH: Thank you.

6

7 (PROCEEDINGS ADJOURNED TO MAY 14, 2013)