



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

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

Transcript of Proceedings
Public Inquiry Hearing
held at the Fort Garry Hotel,
222 Broadway, Winnipeg, Manitoba

TUESDAY, FEBRUARY 5, 2013

APPEARANCES:

MS. S. WALSH, Commission Counsel

MR. D. OLSON, Senior Associate Counsel

MR. R. MCARENHAS, Associate Commission Counsel

MR. S. PAUL, for Department of Family Services and Labour

MR. T. RAY, for Manitoba Government and General Employees Union

MR. K. SAXBERG, for General Child and Family Services Authority, First Nations of Northern Manitoba Child and Family Services Authority First Nations of Southern Manitoba Child and Family Services Authority Child and Family All Nation Coordinated Response Network

MR. H. KHAN, for Intertribal Child and Family Services

MR. J. GINDIN, for Mr. Nelson Draper Steve Sinclair and Ms. Kimberly-Ann Edwards

INDEX

WITNESS :

Page

DARLENE FRANCES MACDONALD

Direct Examination	(Olson)	1
Cross-Examination	(Gindin)	108
Cross-Examination	(Saxberg)	118
Cross-Examination	(Ray)	141
Cross-Examination	(McKinnon)	150
Re-Examination	(Olson)	155

1 FEBRUARY 5, 2013

2 PROCEEDINGS CONTINUED FROM FEBRUARY 4, 2013

3

4 THE COMMISSIONER: All right, Mr. Olson.

5 MR. OLSON: We're ready to proceed. Have the
6 witness sworn.

7 THE CLERK: It's your choice to swear on the
8 Bible or affirm without the Bible.

9 THE WITNESS: On the Bible.

10 THE CLERK: Okay. Please take the Bible in your
11 right hand. State your full name for the court.

12 THE WITNESS: Darlene Frances MacDonald.

13 THE CLERK: And could you just spell your first
14 name, please.

15 THE WITNESS: D-A-R-L-E-N-E.

16 THE CLERK: And your middle name, please.

17 THE WITNESS: Frances, F-R-A-N-C-E-S.

18 THE CLERK: And your last name.

19 THE WITNESS: MacDonald, M-A-C-capital D-O-N-A-L-
20 D.

21 THE CLERK: Thank you.

22

23 **DARLENE FRANCES MACDONALD**, sworn,

24 testified as follows:

25

1 THE CLERK: Thank you. You may be seated.

2

3 DIRECT EXAMINATION BY MR. OLSON:

4 Q Good morning, Ms. MacDonald.

5 A Good morning.

6 Q I want to go through your educational background.

7 I understand that you have a copy of your curriculum vitae
8 up there with you.

9 A That's correct.

10 Q So rather than me asking you about your formal
11 education maybe you can just walk us through your
12 educational background and then your work history.

13 A I have a Bachelor of Arts Degree, a major in
14 psychology, from St. Francis Xavier University in
15 Antigonish, Nova Scotia.

16 I graduated with a Masters degree in social work
17 with honours from Dalhousie University, Halifax, Nova
18 Scotia.

19 Q I'm sorry, what year was that?

20 A That was in '77.

21 Q Seventy-seven.

22 A And upon graduating I, I took a job as a
23 parinatal and adoption worker at the Children's Aid Society
24 of Cape Breton, Sydney, Nova Scotia, and that would have
25 been from May, '77 to September, 1980.

1 From there I became a protection worker at the
2 Children's Aid Society of Cape Breton, Sydney, Nova Scotia,
3 from September, '80 to January, '82.

4 Then I moved to Winnipeg and became a children's
5 worker providing counseling to sexually abused adolescents
6 from March, '82 to April, '85.

7 Q Who was your employer at that time?

8 A That would have been the Children's Aid Society
9 of, of Winnipeg.

10 Q Okay. Thank you.

11 A And with the restructuring they became area based
12 and we were called generic social workers, so I was a
13 generic social worker with Child and Family Services of
14 Central Winnipeg from April, '85 to May, '87.

15 After that I became an acting unit supervisor,
16 still in the central area, from May, '87 to October, '87.

17 I then became a unit supervisor still in central
18 area, the core area, March, '88 to September, '92.

19 I then became a director of service at Winnipeg
20 Child and Family Services, central area, from October, '92
21 to October -- or to November, '97, and then became the area
22 director for Winnipeg Child and Family Services from
23 December, '97 to January of '99.

24 Then with another restructuring I became a
25 program manager of services to children and families from

1 March, '99 to February, '06.

2 I later became the chief executive officer of
3 Winnipeg Child and Family Services February, '06 to April,
4 2011, and I'm currently the Children's Advocate of
5 Manitoba.

6 Q When did you, when did you become the Children's
7 Advocate?

8 A Pardon me?

9 Q When did you become the Children's Advocate of
10 Manitoba?

11 A In April, 2011.

12 Q So in other words you left the CEO position at
13 Child and Family Services to become the Children's
14 Advocate?

15 A That's correct.

16 Q So as a program manager from 1999 to 2006 it's my
17 understanding that you, you had two different -- it wasn't
18 continuously the same units you were a program manager of?

19 A That's correct.

20 Q Can you, can you tell us about that.

21 A Okay. Basically I was the program manager in
22 '99. I -- my duties included Intake, Abuse Services, After
23 Hours, Family Services, parental service and Kinship
24 services, as well as the agency's legal services, and then
25 there was a restructuring in 2003 and I was still the

1 program manager for service of children and families,
2 however, the restructuring now included Family Services,
3 Abuse Coordination, permanency planning and adoption,
4 prenatal and kinship services as well as the branch's
5 legal services, so I was no longer the program manager for
6 Abuse, Intake and After Hours.

7 Q Okay. So you, you kept the same role, it's just
8 that there was less on your plate after 2003; is that
9 right?

10 A One could say that, yes.

11 Q Okay. Maybe just so we get a sense of how this
12 all fit in with respect to this particular file we can put
13 exhibit 15 on the monitor.

14 So this is a document prepared by the department,
15 and it lists the -- we'll call it the chain of command for
16 the relevant periods in Phoenix's file. So if we look at
17 this you would have had the program manager role for the
18 April 23, 2000 opening, that would be at Phoenix's birth,
19 and if we just look down through this exhibit, if you go to
20 the next page, you would have had responsibility as a
21 program manager up until March 22, 2003; is that right?

22 A That's correct.

23 Q So following March 22, 2003 Patrick Harrison
24 would have had some involvement, and then you would have
25 had some involvement for the July 3, 2003 opening with Stan

1 Williams; is that right?

2 A That's correct.

3 Q And that would end November 13, 2003?

4 A That's correct.

5 Q So in terms of your position and the chain of
6 command with respect to this file any time after November
7 13, 2003 until you become CEO you wouldn't be in that chain
8 of command; is that right?

9 A That's right.

10 THE COMMISSIONER: Not in change (sic) of command
11 insofar as this file is concerned?

12 MR. OLSON: As far as this file is concerned.

13 THE COMMISSIONER: From, from March, '03 ...

14 MR. OLSON: From November 13, 2003 until you
15 became CEO, which I think you said was ...

16 THE WITNESS: February, '06.

17 MR. OLSON: February, 2006.

18 THE COMMISSIONER: And what were you doing
19 between November 13, '03 and February, '06?

20 THE WITNESS: I was a program manager with
21 services to children and families, but I was no longer
22 responsible for After Hours or Intake, or Abuse. I was
23 working with Family Services, prenatal, legal services,
24 kinship services.

25 THE COMMISSIONER: Family Services?

1 THE WITNESS: Family Services, that's correct.

2 THE COMMISSIONER: But, but not, not Intake, CRU
3 nor After Hours?

4 THE WITNESS: That's correct.

5

6 BY MR. OLSON:

7 Q So when you became the CEO that would have been
8 the time -- during the time at which the reports listed in
9 the order-in-council for this inquiry were prepared; is
10 that right?

11 A That's right.

12 Q So for the most part I'm going to be asking you
13 questions that will be focused on the time -- your time as
14 program manager over that -- up to 2003, and then I'll have
15 some questions for you with respect to your involvement in
16 the reports when you became CEO.

17 In terms of the -- I understand that the
18 department accepted the recommendations made in the
19 reports?

20 A That's correct.

21 Q And you were involved in implementing those
22 recommendations --

23 A That's --

24 Q -- in, in responding?

25 A That's correct.

1 Q That is an area where I won't be covering today
2 because we'll be hearing evidence about that case, too.

3 THE COMMISSIONER: So you were CEO when the death
4 of Phoenix was made known and discovered; is that correct?

5 THE WITNESS: When they discovered her body, yes,
6 I was.

7 THE COMMISSIONER: Yes, yes. All right.

8

9 BY MR. OLSON:

10 Q Also in terms of your role as Children's Advocate
11 I understand you'll be testifying at a later date with
12 respect to that as well?

13 A That's correct.

14 Q So starting now with your position as program
15 manager as it was in 1999 can you describe the type of
16 activities that you would be doing on a day-to-day basis?

17 A In my own role?

18 Q Yeah. Sort of what, what was your role and
19 responsibility.

20 A My role would have been to supervise the
21 assistant program managers. I would have had three
22 assistant program managers, and it would be overseeing the
23 activities. I, myself, would be involved in a number of
24 meetings at a senior level. Also I would be working on a
25 regular basis with my assistant program managers seeing

1 them regularly for supervision. The four of us would also
2 meet every two weeks to look at the program, and some of
3 the issues we may have been facing. Myself I was involved
4 with our legal department, our legal services, so my
5 responsibility would have been to have the legal contract,
6 and to meet with the lawyers that were involved.

7 Also my responsibility would have been networking
8 in the community, meeting with police, with the Child
9 Protection Branch, with the hospital, and also I was
10 responsible for any kind of purchase of services, so I
11 would be meeting with people like psychiatrists or
12 psychologists, that did family assessments for us, so a
13 variety of different tasks.

14 I'd also be responsible for meeting with my
15 program -- my counterparts, my peers, my program manager,
16 my -- the other program managers to look at services as
17 well.

18 Q Okay. So that's an overview of what, what it is
19 you did as a program manager --

20 A That's right.

21 Q -- over that period of time? Would -- in terms
22 of the reporting structure you would have been reporting I
23 take it -- if you look at what's on the screen in front of
24 us, Exhibit 15, Elaine Gelmon; is that right?

25 A That's correct.

1 Q And, and then looking at the chain of command it
2 would have been Glenda Edwards, for example, in October,
3 2000, who would have been reporting to you?

4 A That's correct.

5 Q And she would have been an assistant program
6 manager?

7 A Yes, she was.

8 Q The -- we've heard some evidence that in 2003
9 Rhonda Warren was -- her, her position was replaced by Dan
10 Berg and Patrick Harrison.

11 A In 2003, yes.

12 Q In 2003. I believe it was Mr. Harrison who
13 testified -- sorry, it wasn't Dan Berg and Patrick
14 Harrison. It was Dan Berg and --

15 A Rob Wilson?

16 Q -- Rob Wilson, and Patrick Harrison took on part
17 of your role as program manager?

18 A He, he --

19 Q The, the Intake, CRU, and some other areas;
20 right?

21 A That's correct.

22 Q Okay. What was the reason for that change, or
23 are you aware of it?

24 A My understanding is that when we were brought
25 into government there was going to be a restructuring and

1 there would just be two programs, and one was services to
2 children and families, and the other would be resources and
3 my understanding of Intake and Abuse and After Hours is it
4 was getting ready to be a stand alone agency when
5 devolution was coming so --

6 Q Was that eventually what happened with JIRU?

7 A That's right.

8 Q And then later ANCR?

9 A That's correct.

10 Q So that was already in the works in 2003, that
11 was something that was known in the agency, that it was
12 going to happen?

13 A That's correct.

14 Q We heard some evidence that the job that Ms.
15 Warren was doing at the time, so prior to 2003, was too
16 much for one person to handle --

17 A Yes.

18 Q -- were you aware of that?

19 A I'm not sure I was aware it was too much for one
20 person to handle, but when they did the restructuring they
21 did bring in two other assistant program managers to help,
22 and I think they were feeling a bit overwhelmed, so, yes, I
23 would conclude that Rhonda had too much to handle at that
24 point in time.

25 THE COMMISSIONER: Well, what, what was the

1 position that Warren held?

2 MR. OLSON: She would have been the assistant
3 program manager.

4 THE COMMISSIONER: Under?

5 MR. OLSON: She was --

6 THE WITNESS: She would --

7 MR. OLSON: She would be reporting to Ms.
8 MacDonald.

9 THE COMMISSIONER: Reporting to you?

10 THE WITNESS: Yes, she was.

11

12 BY MR. OLSON:

13 Q Her responsibilities again, if you could remind
14 us would have been, which units?

15 THE COMMISSIONER: And when, when you, when you
16 had the responsibility for it all, from '99 to '03, did you
17 just have one assistant program manager?

18 THE WITNESS: For After Hours, Intake, and CRU,
19 yes, I did.

20 THE COMMISSIONER: And who was the other --

21 THE WITNESS: The other --

22 THE COMMISSIONER: -- for Family Services?

23 THE WITNESS: I had two assistant program
24 managers, Glenda Edwards and Linda Burnside.

25 THE COMMISSIONER: Right.

1

2 BY MR. OLSON:

3 Q When you had -- you said you had supervision with
4 the assistant program managers under you, so that would
5 have been Rhonda Warren and Linda Edwards, what sort of
6 issues would you discuss, what would be the recurring
7 themes of the supervision?

8 A It would be workload issues, it would be hiring,
9 any HR or any performance issues that may have come up, how
10 the programs could help each other out, also any, any
11 situations they may have been dealing with that they needed
12 to talk with me about, whether that was case related,
13 whether it was performance issues.

14 Q Okay. Sometimes you would discuss individual
15 cases?

16 A Yes, we would.

17 Q Okay. Did the Phoenix Sinclair case ever come to
18 your attention over that period of time?

19 A No, it did not.

20 Q Okay. What sort of cases would you discuss when
21 you discussed the individual cases?

22 A It would really depend on the situation. They
23 may bring some cases to my attention that they may want a
24 case review. They may want me to sit in on it, or other
25 cases that may have been brought to my attention say from

1 the Minister's office, or, or later on from the General
2 Authority. I would be discussing that with them and
3 supervision, and indicate that we had to come up with a
4 plan, that it needed to be addressed, and we needed to
5 resolve some issues and how we were going to do that.

6 Q So these wouldn't be the, the normal cases that
7 worked their way through the system, these -- there would
8 be something unique about them that required your
9 attention?

10 A Usually they would be very high profile cases.

11 Q Now the issues you mentioned that came up
12 frequently one was workload issues?

13 A That's correct.

14 Q What was it about workload that was discussed,
15 and why was that an issue?

16 A Well basically in '99 when we came together as
17 services to children and families it was a huge
18 undertaking, a huge reorganization. The program was fairly
19 big with myself, three assistant program manager, when we
20 had After Hours it was approximately 27 supervisors so we
21 were attempting to look at how we could streamline things
22 maybe through reporting processes, maybe how we could
23 change boundaries so -- that some of our core area offices
24 that were, were heavily hit with workload, so we tried to
25 look at different things like that.

1 Q Were there concerns about the workers having too
2 much workload during that period?

3 A Yes, workload was a constant challenge, and as I
4 said it was a new beginning for us, this was a new program
5 coming together so there were lots of little glitches and,
6 you know, trying to streamline some of the procedures and
7 policies because we were coming together as a new program
8 so.

9 Q When you say "coming together as a new program"
10 what would have existed before this program?

11 A That you would have been area based.

12 Q We've heard some evidence about that, so you went
13 -- CFS went from an area based system to a centralized
14 system?

15 A That's correct.

16 Q That was at the period of time you came on as
17 program manager?

18 A That's correct.

19 Q We've heard that there was -- so that was one
20 major change that happened in 1999, 2000, and then in 2003
21 the agency moved into government?

22 A Pardon me?

23 Q Two thousand and three the agency moved into
24 government?

25 A Yes, it did.

1 Q Okay. When was that -- when was -- when were the
2 workers aware that that was coming?

3 A Basically in 2001 we were told that we would be
4 dissolved as an agency and brought into government.

5 Q Okay. And the AJI was also going on throughout
6 that period?

7 A It was announced around the same time.

8 Q What impact did those things have on the workers'
9 morale at the time?

10 A I believe it had a huge impact. Basically people
11 were coming into government. There was a letter that, that
12 basically assured people of employment. I think if you'd
13 been permanent in the year 2000, so anyone who came on
14 after that wasn't assured or guaranteed their position.
15 Also with AJI we knew that Winnipeg was going to be a
16 significantly smaller agency, and therefore there may not
17 be positions available for everyone, and we would be
18 looking at secondments to different agencies, so it was a
19 very trying time for people.

20 THE COMMISSIONER: You said a moment ago that in
21 2001 you were told that you would be dissolved as an
22 agency, and become -- and I, I missed that.

23 THE WITNESS: And become part of government.

24 THE COMMISSIONER: Right. Thank you.

25

1 BY MR. OLSON:

2 Q Did workers raise any concerns with you about
3 that process? You know, I don't know where I might be
4 working, or I might be working for another agency; was that
5 something that would come up?

6 A I, I would believe that would be one of the
7 constant themes during our management meetings, or in
8 supervision with the assistant program managers that
9 workers were quite concerned about their livelihoods.
10 Also, you know, just where they were going to end up, or if
11 they were even going to have a job.

12 Q Right. There was a lot of uncertainty for the
13 workers?

14 A For sure.

15 Q One of the things you didn't mention that you
16 would have discussed during supervision meetings would have
17 been training; is that something that you would have
18 discussed, training--

19 A Yes.

20 Q -- workers, training of supervisors?

21 A Oh for sure.

22 Q What is it about training you would have
23 discussed?

24 A Basically there were mandatory training, like
25 CFSIS training, there was competency based training for

1 both workers and supervisors, that was mandatory. We were
2 having a high incidence or seeing a high incidence of
3 suicide with young people so we had mandatory training in
4 suicide prevention. Also we did bring in psychologists to
5 help the supervisors do family assessments.

6 Q Okay. Was that something -- the, the bringing in
7 psychologists was that something -- the type of training
8 that all the workers would have received?

9 A Actually that training was for supervisors and
10 the supervisors were to be training their social workers
11 with respect to that.

12 Q In terms of which training would have been
13 mandatory was the CFSIS training mandatory?

14 A Yes, the CFSIS training was mandatory.

15 Q We've heard some workers testify that they don't
16 recall receiving any training on CFSIS.

17 A I'd, I'd be surprised to hear that just because
18 there seemed to be lots of training with CFSIS, and also
19 our clerical people were very well versed in CFSIS, and
20 would help individuals that were having some difficulties
21 so.

22 Q Okay. When you mention a competency based
23 training was that something that was new at that time?

24 A Yes, I believe so.

25 Q What was, what was the competency based training?

1 A Competency based training was to give people what
2 we call a, a fair playing field, so they would understand
3 what they needed to do in working with children and
4 families, and basically it, it had core modules and looked
5 at different factors causing -- which may cause
6 maltreatment to children, looking at individual or families
7 or environmental factors that might contribute, and the
8 second module, if I remember correctly, was with regards to
9 assessments, and the third was with regards to learning
10 about abuse, and the fourth was about attachment and child
11 development, what roles that they play in child
12 maltreatment, or factors that may cause child maltreatment.

13 Q Was -- we heard workers talk about a core
14 competency training; is, is this the same thing as that?

15 A Yes.

16 Q How long was the program for the worker?

17 A There was -- it consisted of four modules, so I'm
18 not quite sure. I think they went a week at a time, and it
19 was over a number of years.

20 Q So it wasn't all delivered at one point?

21 A No.

22 Q Was there a requirement that the worker would
23 have to have some core competency training within a certain
24 time after starting work?

25 A We tried to have a worker trained within six

1 months of starting, that -- and it didn't happen because of
2 some issues with lack of training, but we tried to have it
3 done within the first year.

4 Q So there were some cases though that you're aware
5 of where workers didn't get that training within the first
6 year?

7 A That's correct.

8 Q Okay. We've heard evidence that workers would
9 often be recruited directly out of school, and wouldn't
10 have any experience in the child welfare system, how to
11 handle a child welfare file, or what was involved; is that
12 something that you were aware of at the time?

13 A My understanding is that workers weren't prepared
14 after university, however, Winnipeg did have a number of
15 students that were doing their practicum with us, so they
16 would have been trained on site, but basically coming into
17 the agency, yeah, they wouldn't be well equipped. The
18 supervisors would have had to do some hands on training,
19 and eventually we, we did have orientation and taking
20 workers through that as well.

21 Q So the supervisors were in part then responsible
22 for ensuring their workers were properly trained?

23 A That's correct.

24 Q How is it that the supervisors were doing that,
25 ensuring that proper training was received by the workers?

1 A They would have policies and procedures that they
2 had in their units, and they could go over those with their
3 workers, and also could attend different workshops, working
4 with their assistant program managers, and did hands on
5 training. Walked them through their cases, were
6 responsible for any sign-off in their cases, were
7 responsible to have ongoing supervision.

8 Q In terms of workshops that would be additional
9 training beyond the core competency component; is that
10 right? Is that ...

11 A Well, the supervisors themselves would have had
12 the ability to take the core, the core competency based
13 training for supervisors as well, and again learning from
14 their assistant program managers and working through --
15 also we would have had either team building days, or days
16 where we had brought in some guest speakers as well, so
17 that they would get the -- what they needed to be able to
18 pass on to their workers.

19 Q Was there any auditing of files that workers or
20 supervisors were dealing with or handling?

21 A I recall myself and the assistant program
22 managers doing audits on occasion, and also there were --
23 in 2006 there were face to face audits with all children in
24 care.

25 Q You --

1 A And that continued, sorry, on a regular basis.

2 Q When you say "face to face audits with children
3 in care" I'm not sure I understand what you're referring
4 to.

5 A In 2006 we were, we were asked to -- by
6 government to see -- or by the General Authority to see
7 every child that was in care of the agency, and that has
8 been a standard that has been kept in place ever since
9 2006, and I think it's routinely done every three months.

10 Q Over the period of time that you were a program
11 manager, from '99 to 2003, was there any formal auditing
12 process of files in place?

13 A I'm not sure what you mean by "formal". I know
14 myself and the assistant program managers did have
15 supervisors send us files, we randomly picked files, we
16 looked at them in the boardroom, and we looked at them in
17 -- for compliance with different -- you know, if there was
18 assessments done on the file, we'd almost have a paper
19 trail and we would check off what the file contained, and
20 if there were issues the assistant program manager went
21 back to the supervisor, and then the worker to ensure that
22 there would be some compliance with the files.

23 Q That's something that you did yourself, you did
24 some of that auditing?

25 A Yes, I did.

1 Q How frequently?

2 A I would -- I'm not quite sure. I remember about
3 three or four times doing that. Another function of
4 compliance is when we were looking at any sort of file, or
5 for instance if a worker ended up going to court, and had
6 to do court particulars that would be a form of an audit
7 with the lawyers giving us feedback, or even the judges
8 giving us feedback. If a child was to be made a permanent
9 ward that worker had to come before a, a committee to tell
10 us the steps that -- or the plan and the steps that have
11 taken place for us to get to the point of making the child
12 a permanent ward, so there were some compliance pieces as
13 part -- normal compliance pieces as part of a case.

14 Q You're talking about -- that, that would signal
15 that file was done properly, because it was going to court
16 everything had to be -- all the ducks had to be in a row?

17 A Checks and balances that we would have.

18 Q Okay. That, that wasn't actually a formal
19 auditing process though?

20 A No.

21 Q Was there -- were there any other quality
22 assurance processes in place during your, your employment
23 as a program manager in that period of time, '99 to 2003?

24 A They did have a program or a quality assurance
25 program for a very short period of time, but with respect

1 to quality assurance in the program that I was involved
2 with I think we would say it was a part of everything we
3 did, and I described about going to court, or, you know,
4 even to do a family support agreement there had to be a
5 plan drawn up. If we needed placement for a child a social
6 history had to be developed, so there were some checks and
7 balances, or we saw quality assurance was almost a part of
8 everything we did.

9 Q Who, who in the chain of command would have been
10 responsible for ensuring that individual workers were
11 complying with policy and procedure, and standards in terms
12 of, you know, meeting with clients and making recordings on
13 files, and that type of thing?

14 A That would be the supervisor, and then the
15 assistant program manager, and myself as program manager.

16 Q Okay. When we've -- we've looked at the files
17 and I'll just -- an example of one would be Ms. Chief-
18 Abigosis' involvement in November of 2000. The, the report
19 writers were fairly critical of the lack of contact with
20 the family, or file recordings, or notes, and that seems to
21 have -- the work seems to have been approved by the
22 supervisor in that case; is that, is that the type of --
23 I'm just wondering how would that -- how could that happen
24 in the normal course with the supervision that was in
25 place?

1 A I'm not sure how that could have happened with
2 the supervision that was in place. Certainly knowing the
3 -- both the supervisors that are attached at that point in
4 time I'm surprised that it would have happened. Usually
5 there's a sign-off by the supervisor so.

6 Q Would that be an example of work that didn't meet
7 or comply with your expectations as a program manager?

8 A They wouldn't meet my, my expectations, no.

9 Q And you mentioned that workers and supervisors
10 would be expected to comply with policies or standards that
11 were in place?

12 A That's correct.

13 Q What -- we haven't seen an example of a policy,
14 for example, for CRU over that period of time, or Intake,
15 was there something in particular that they would refer to?

16 A For Intake?

17 Q For Intake.

18 A There was a policy manual that was put together
19 when we first came into the program that was fairly
20 detailed.

21 Q Is that -- yeah. Can you put 19625 on the
22 screen.

23 Is this the manual that you're referring to?

24 A Yes, it is.

25 Q Okay. This -- and we've seen a lot -- we've,

1 we've heard a lot about this particular document. Can you
2 just explain what it is.

3 A As I said basically when we were setting up the
4 program in '99 Wanda Warren had gathered lots of
5 information together based on standards, based on policies
6 and procedures that we would have had in the other areas,
7 so we put them together so that the workers and supervisors
8 would have basically had a prototype of what to do with a
9 case when it came to their attention.

10 Q On this document if we scroll down a little bit
11 it's dated July, 2001; is that when this document would
12 have come out and been in use?

13 A I believe so, yes.

14 Q So it was -- this manual then was intended to --
15 by direction to workers and the supervisors as in terms of
16 how -- what they should be doing in Intake?

17 A That's correct.

18 Q And Intake would include then Tier 2, what we've
19 heard described as Tier 2 Intake?

20 A Yes, it would.

21 Q And CRU, the Crisis Response Unit --

22 A CRU is just coming into being around that time.

23 Q That was a new program?

24 A Um-hum.

25 Q The same thing with After Hours?

1 A Yes, but After Hours wasn't a new program.

2 Q Okay. Just prior to CRU coming in how, how did
3 it -- how did intakes occur?

4 A We started in '99. When it was area based most
5 of the areas had their own intake departments. When we
6 were programmed based in '99 we came together working out
7 of 835 Portage, and they did have what was called -- I
8 think they just took turns rotating through screening, that
9 means all the incoming calls that were coming. There was
10 about -- I don't know, there were six or eight social
11 workers that would take turns doing it. That didn't seem
12 to be workable, there was some confusion at the
13 administration level, at 835 Portage they didn't know where
14 to put calls through, so basically what they came up with
15 was the concept of the I guess Crisis Response Unit and
16 created CRU, so they had I believe two supervisors in two
17 units taking all the first incoming calls.

18 Q And that was originally what CRU was doing?

19 A That's right.

20 THE COMMISSIONER: And what year did CRU come
21 into existence?

22 THE WITNESS: I would say about 2001.

23 THE COMMISSIONER: About the time of this
24 document?

25 THE WITNESS: Pardon me?

1 THE COMMISSIONER: About the time of this
2 document?

3 THE WITNESS: That's right.

4

5 BY MR. OLSON:

6 Q I'm going to ask you more questions about this
7 document, but I just want to ask you a few questions about
8 a letter that's at page 36150, from Commission disclosure
9 1757. This is a letter dated March 22, 2002 from you, as
10 the program manager, to all agencies, supervisors, program
11 managers, and assistant program managers to share with
12 staff.

13 Can you explain what this -- is this -- this is a
14 letter that you wrote?

15 A Yes, I did.

16 Q Can you explain what the purpose of this letter
17 is, what it's trying to convey?

18 A It just looks like Barb Klos has accepted the
19 position of acting supervisor, so ...

20 Q Maybe, maybe if you can bring that -- the rest of
21 the document on the screen, it would be helpful. That's
22 good.

23 A It's just describing how other -- changes at CRU
24 and who the new supervisor is.

25 Q Okay. Where you wrote:

1 "CRU now concentrates on thorough
2 telephone screening, files
3 continue to be opened at CRU but
4 now go immediately to Intake for
5 follow-up."

6

7 A That's right.

8 Q Is that how CRU was primarily operating at the
9 time as a --

10 A Yeah.

11 Q -- telephone screening --

12 A Yes, it was.

13 Q Okay. So in terms of doing fields, going out on
14 calls was CRU doing that as well at the time?

15 A Not at that point in time. They eventually did.

16 Q That's something that developed at a later point?

17 A That's correct.

18 Q Do you know when that developed?

19 A No, I'm not sure.

20 Q Was that during your tenure as program manager
21 over that '99 to 2003 period?

22 A I, I can't recall.

23 Q Do you know why the change was eventually made to
24 have CRU workers go out on calls?

25 A I believe they felt that CRU could handle some

1 emergencies, rather than just accepting -- although they
2 had to be there to accept all the incoming calls they felt
3 they could also do some fields, as they would call them.
4 That's my recollection.

5 Q Did you have any input into the decision to add
6 that as a part of CRU's role?

7 A Did I -- pardon me? Again.

8 Q Did you have any input into that decision?

9 A If it occurred during our time I would have had
10 input into it with Rhonda Warren.

11 Q It's not something you have a recollection of
12 now?

13 A Not at this point I don't.

14 Q Okay. When, when a file would come into CRU, a
15 new referral would come in, what, what did you expect, and
16 again I'm just talking during that period of time? What
17 did you expect a CRU worker to do?

18 A To gather the -- first of all assess risk, any
19 immediate risk to the child, and then to gather
20 information, decide what needed to be done, if there was
21 immediate risk to the child to ensure that somebody went
22 out right away. CRU also received a number of calls just
23 for information only, so they, they may be gathering that,
24 they may be referring people to other resources and closing
25 cases.

1 Q So not every call that a CRU worker would get
2 would be something that would be a high priority?

3 A No, there's a lot for information only.

4 Q A wide variety of calls?

5 A That's correct.

6 Q When you say assess immediate risk what are you
7 referring to?

8 A The immediate risk of the child. If the child
9 was in immediate danger.

10 Q Immediate danger to the child?

11 A Yes.

12 Q And is that something different than long term
13 risk or safety?

14 A Yes.

15 Q And assessing the safety or the long term risk of
16 the child was that something you'd expect the CRU workers
17 to do?

18 A No, I would expect them to assess immediate risk
19 to a child, and, and usually in the long term would be
20 going to Intake.

21 Q So Intake's function then was to address the long
22 term risk issues?

23 A That's correct.

24 Q And address them as necessary?

25 A Yes. More, more than likely though if there are

1 long term risks they would be transferred to Family
2 Services.

3 Q Right. That was how the program was designed to
4 work?

5 A That's right.

6 Q In terms of gathering information we know that a
7 lot of -- when calls would come in there would often be
8 pre-existing files that Child and Family Services had on
9 the family or the child.

10 A That's correct.

11 Q What did you expect the CRU workers to review in
12 terms of the prior history?

13 A Well, it would depend if they ended up getting a
14 phone call where a child was at immediate risk, I, I would
15 expect them to attend to that child. If they were getting
16 phone calls they would be gathering information. I would
17 expect that they would be looking at all the information.
18 For instance, if the file opened and closed in Family
19 Services, or how long they had been involved with Family
20 Services. I would want them to review all the history --

21 Q Okay.

22 A -- with regards to a family.

23 Q You'd want CRU to review that history?

24 A Yes.

25 Q Even if it was a lengthy history?

1 A Yes, I would.

2 Q That would have been the expectation at the time?

3 A That's correct.

4 Q Okay. You said if there was immediate risk you'd
5 expect them to respond to immediate risk. Where does
6 reviewing the history fit into that?

7 A Well, I would expect if the child was at
8 immediate risk they would go out and attend to the child,
9 but once the child was safe, when they came back, and were
10 deciding whether that case would be transferred either to
11 Intake or to Family Services then I would expect them to
12 review the history.

13 Q Early on you said CRU wasn't actually going out
14 and doing fields.

15 A Um-hum.

16 Q In those early days would CRU -- then if they
17 determined there was an immediate risk pass the file on to
18 Intake?

19 A That's true, yes.

20 Q And then Intake would be expected, I take it, to
21 look at the entire history and deal with the safety issues?

22 A That's an understanding, yes.

23 Q Okay. Was that your expectation at the time?

24 A Yes, it was.

25 Q What is it about -- I mean you expect the workers

1 to go back and look at the entire history; what is it about
2 history that's so important?

3 A Well basically history will tell you how many
4 times the file may have been opened and closed. They would
5 tell you what the problem areas are, and how they've been
6 addressed. They would tell you about the support system
7 that a family may have in place, they would tell you any of
8 the resources, family resources, that Intake or CRU may be
9 able to call on to help support the family, but more
10 importantly it would be to see the issues that were being
11 dealt with, and, and how they were supported, and how they
12 were corrected.

13 Q Okay. So if a call came in, for example,
14 disclosing a child welfare concern, and the family had no
15 history, it might be treated somewhat differently than a
16 family with a lengthy history of involvement?

17 A Again it would depend on the risks to the child.

18 Q Right, right. Okay. In this case we know that
19 Phoenix's parents both had -- that Samantha Kematch and
20 Steve Sinclair both had lengthy histories with the child
21 welfare system, both as permanent wards; is that sort of
22 history something that would be very important for workers
23 to be aware of when they're involved in the file?

24 A Yes, it would be.

25 THE COMMISSIONER: When they were involved in

1 what?

2 MR. OLSON: In the file.

3 THE COMMISSIONER: Phoenix's file?

4 MR. OLSON: When we say Phoenix's file it could
5 be Steve Sinclair's file or Samantha Kematch's file, but a
6 file involving Phoenix Sinclair?

7 THE WITNESS: That's correct.

8

9 BY MR. OLSON:

10 Q The, the reports that -- the case specific
11 reports that came out following Phoenix's death they
12 generally indicate that service was provided by the agency
13 on a crisis basis, crisis response basis; is that an
14 accurate description of how it appears things happened in
15 this case?

16 A Yes, that was how it appeared.

17 Q Was that type of response unusual, was, was CFS
18 -- was it unusual for CFS to provide a crisis based
19 response, crisis management response?

20 A Again it would depend on the case. I'm surprised
21 that there's a lot of history in the case that it wouldn't
22 have remained open.

23 Q Right. I mean to a, to a lay person when you
24 look at the file you look at Ms. Kematch's history, Steve
25 Sinclair's history, where they're involved you would expect

1 that CFS would have a, have a long term involvement with a,
2 you know, a regular worker, but here we see a number of
3 workers, a number of closings on and off.

4 A Yes.

5 Q Was, was -- what would have your expectation,
6 first of all, have been in a case like this?

7 A Looking at the case I would have reviewed the
8 history. It looked like they, they didn't have many
9 supports in place, and I would have expected that it would
10 have been open long term in Family Services.

11 Q So there wouldn't -- you wouldn't have expected
12 there to be a number of openings and closings in a case
13 like this?

14 A That's right.

15 THE COMMISSIONER: That is to say you would have
16 expected there to be continuity in, in -- when you went to
17 the file you'd be able to see all the openings and closings
18 on the, the father's file and the mother's file, you get
19 that information on making your search?

20 THE WITNESS: That's correct.

21

22 BY MR. OLSON:

23 Q And just, just to be clear what, what I'm
24 understanding you to say is here we know there were a
25 number of different workers involved, the file was opened,

1 you know Phoenix had something in her nose, or --

2 A Right.

3 Q -- there was a drinking party, or, or whatever
4 else the issue was, there'd be a different worker each time
5 going out. The immediate problem would be addressed and
6 the file would be closed shortly after that, that's how
7 this file actually worked; right?

8 A That's correct.

9 Q And what you're saying is in a file like this
10 what you would have expected to have happened was CFS --
11 there would have been a Family Service worker on a long
12 term basis working with the family, however it looks at the
13 time?

14 A That's correct.

15 Q That is -- okay. Do you -- is there, is there
16 any importance to having a continuity of service where
17 there's, you know, one Family Service worker, or there
18 might be a change, but a fairly consistent Family Service
19 worker over a period of time?

20 A I think that's what we would strive for is to see
21 one social worker involved with, with the family.

22 Q And why would that be something that you'd want
23 to strive for?

24 A Because it's -- social work is all about
25 relationship building, and I think it's really important

1 that, you know, one social worker be able to work with the
2 family, get to know the family, be able to put in the
3 resources that's required. I think that's what we strive
4 for is best practice.

5 Q Right. Do you have any insight as to why that
6 didn't happen in this case, why there were so many
7 different hands on the file?

8 A Well, it looked like every crisis that had come
9 up it was handled and dealt with, and then just closed off,
10 and wasn't transferred long term to Family Services. I
11 don't know why that would be. I must go back to Family
12 Services, too, to say I'm not quite sure. It looked like
13 there was a very good plan developed, but it, it ended up
14 -- or the case ended up getting closed, and I'm not quite
15 sure why that would have happened.

16 Q Was there anything happening in, in the agency at
17 the time that would lend itself to the file being dealt
18 with the way it was, rather than the way it ought to have
19 been, the file should have been?

20 A I think there because of all the massive changes
21 that were going on with coming into government, and AJI,
22 there was an awful lot of turnover in staff, and I think
23 that may reflect to the fact that there were so many
24 workers involved in this case.

25 Q A constant staff turnover?

1 A Constant staff turnover.

2 Q I just want to take you back to the, the intake
3 program manual.

4 MR. RAY: Sorry. Mr. Commissioner, I'm just, I'm
5 just rising because I'm not sure, and, and I could have
6 missed it while I was taking notes, but I wasn't sure if I
7 heard the witness' foundation for the questions being put
8 to her by Commission counsel in terms of had she read the
9 file, or was she familiar with the evidence in terms of the
10 types of things that she's been giving evidence about. I,
11 I think I heard her say earlier that she was responsible
12 for commissioning some of the reports that were, that were
13 done, but I -- I'm not necessarily objecting, I'm just not
14 sure what the witness' foundation is for answering many of
15 the questions that were just put to her.

16 THE COMMISSIONER: Well, are you suggesting she
17 was answering questions about which she really didn't have
18 knowledge?

19 MR. RAY: That's correct. Yeah, I wasn't sure if
20 she, if she particular knowledge about the file beyond
21 perhaps reading the reports, or -- and what, what her
22 knowledge base was on this particular file.

23 THE COMMISSIONER: Could you clarify that, Mr.
24 Olson?

25 MR. OLSON: Yeah, I did intend on coming to that

1 later on, but that's fine.

2

3 BY MR. OLSON:

4 Q In terms of this particular file I take it you're
5 familiar with each of the reports?

6 A Yes, I am.

7 Q And in terms of the recordings on the file have
8 you reviewed the recordings of the individual workers and
9 supervisors?

10 A I would have reviewed that when Rhonda Warren's
11 report was commissioned.

12 Q Okay. Did you have any discussion with workers
13 about their involvement in the file?

14 A No, I did not.

15 Q Okay. And what about supervisors?

16 A No, I did not.

17 Q So your familiarity with the, the facts of this
18 case comes from reviewing the, the actual documents
19 prepared by the workers, as well as the reports?

20 A That's correct.

21 Q Thank you.

22 THE COMMISSIONER: Does your answer your question
23 Mr. --

24 MR. RAY: Thank you, Mr. Commissioner.

25 THE COMMISSIONER: Yeah.

1

2 BY MR. OLSON:

3 Q And then, of course, as program manager you, you
4 also would have had a responsibility at the time for being
5 aware of what was happening generally in the unit?

6 A That's correct.

7 Q I wanted to refer you to page 19634, the intake
8 program description and procedures. If we could scroll to
9 the bottom of the page under "Recording Outline: Closings -
10 CRU."

11 A Um-hum.

12 Q Is this a portion of the program manual that
13 you're familiar with?

14 A I believe so.

15 Q I wanted to ask you, because this question has
16 come up a few times, is what does (a) mean in terms of:

17

18 "Cases warranting no response or
19 no further response after AHU or
20 CRU intervention may be closed.
21 If there is a previous case
22 history a file review shall be
23 conducted prior to closing."

24

25 What was your understanding of what that meant?

1 A Basically if it was a case for information or it
2 had been referred to other services, basically it could be
3 closed, however, if there was any indication there was a
4 previous history a file review had to be conducted prior to
5 closing, so you would have to read the entire file and look
6 at the past history before making a decision to close.

7 Q Now would that be something different than when
8 the file initially comes in when you initially look at the
9 history?

10 A Well I guess this one they're talking about
11 closing, but when a file actually comes in and is just
12 being opened again I would look at risk to a child, but
13 before I closed, or passed along that file, I would review
14 the history as well.

15 Q What would be the reason for that requirement?

16 A Again I think it's really important to know the
17 history of the file again to, to find out are the same
18 issues reoccurring over and over again, or have they been
19 resolved and what, if anything, do the parents have in
20 place, what resources do they have in place to make them
21 successful at parenting.

22 Q Under (b) here it says:

23

24 "Generally speaking if a matter
25 may be resolved and the case

1 closed with limited further
2 intervention (a few phone calls or
3 a field) the case may be kept by
4 the CRU beyond 48 hours to
5 facilitate the case disposal."

6

7 Are you able to explain what that is referring
8 to?

9 A Basically it looked like a very short time
10 turnaround. If they can gather some information they would
11 be able to keep the case and close it at CRU.

12 Q Would this apply to cases where the worker or the
13 CRU worker isn't satisfied that there's no further child
14 protection issues?

15 A That's correct.

16 Q So in other words --

17 A No immediate harm to the child.

18 Q Right. But if there are ongoing child protection
19 concerns, not necessarily immediate harm, but ongoing child
20 protection concerns, what should happen with the file?

21 A The, the file should be sent to Intake.

22 Q Okay. (c) says:

23

24 "All cases opened to Intake,
25 Abuse, or any other unit shall

1 remain with that unit for
2 assessment, intervention or
3 closing. Cases shall not be
4 returned to the CRU except when
5 the receiving unit cannot
6 reasonably respond in time frame
7 required to ensure safety. Such a
8 return shall be negotiated between
9 receiving unit, supervisor and the
10 CRU supervisor. Once cases are
11 opened to an Intake or Abuse Unit
12 they shall not be returned for the
13 sole purpose of further
14 information gathering."

15

16 We have heard some evidence of cases either
17 between CRU and Intake, or Intake and Family Services, but
18 primarily between CRU and Intake cases being sent back down
19 to CRU or rejected at Intake, or a negotiated transfer back
20 to CRU; is that an issue that you were familiar with?

21 A I have heard about it on occasion. I felt in the
22 time that I was responsible for the program, because we did
23 have one assistant program manager, decisions were made
24 very quickly, that the service was to the family, and there
25 would be no argument where the case should have gone, the

1 service was paramount and would be dealt with accordingly,
2 and if there were service issues then that's where the
3 assistant program managers and myself would resolve, but
4 only after the service had been given to the family.

5 Q Okay. Who would have -- would, would the CRU
6 supervisor, if they felt that a case was to -- should go to
7 Intake, could the CRU supervisor say that's where this case
8 is going, we're not taking it back?

9 A I believe so.

10 Q You mentioned that CRU workers would do the
11 preliminary safety assessments, I think that's what you
12 said, they would determine if a child was safe?

13 A Right. Correct.

14 Q And they would be looking at immediacy?

15 Was there a standard or a procedure whereby they
16 would do that?

17 A I believe -- I, I don't know if it was in the
18 manual, but certainly they would look at time frames, and
19 if there was an immediate risk, and a child had to be seen
20 within 24 hours, 48 hours, or I think the other standard it
21 may have been five days.

22 Q Okay. We just -- maybe help you out with this
23 one. If we scroll down to the next page of the manual,
24 19635, this is called "Safety Assessment".

25 A That's correct.

1 Q Is this sort of a guide that you would have
2 expected the CRU worker to follow in terms of making --

3 A Yes.

4 Q -- his or her assessment?

5 A Yes, it is.

6 Q I just wanted to ask you -- one of the things
7 listed on the -- as a factor is -- if you look under (m),
8 and you have to scroll the page down a bit it says:

9

10 "Child(ren) is vulnerable because
11 of age or other factors."
12

13 We, we know Phoenix obviously was a young, a
14 young child at the time, an infant. Would that -- should
15 that have been a factor that was always present in the
16 worker's mind when they're considering safety?

17 A Yes, the younger the child the more vulnerable.

18 Q And that's because -- we've heard that the child
19 doesn't necessarily have any community contacts, can't
20 speak out, and is physically smaller, can't defend him or
21 herself; those are all reasons for that?

22 A Correct.

23 Q That should be something that's well known to
24 each worker involved in the file?

25 A That's true.

1 Q Who would have been responsible for ensuring that
2 safety or risk assessments were done appropriately?

3 A The worker, the supervisor, the assistant program
4 manager and ultimately the program manager.

5 Q So ultimately you'd be responsible during your
6 period of time as a program manager here?

7 A During the period of time I was involved until
8 2003.

9 Q Okay. What, if anything, did you do to ensure
10 that, that these safety risk -- and risk assessments were
11 being done appropriately?

12 A Well, I think we had policies and procedures, and
13 standards that needed to be followed. We had a supervision
14 policy in place, we had a recording policy in place, people
15 were expected to follow them. If there were concerns then
16 they should have been raised with the, the worker, with the
17 supervisor, the assistant program manager, and then up to
18 myself.

19 Q Okay. So concerns should come to your attention?

20 A That's correct.

21 Q So in other words if a supervisor has a concern,
22 and workers don't know what their obligations are, they
23 should bring that to you somehow, the concern?

24 A Yes, if there's a problem absolutely.

25 Q But did you do anything yourself to I guess

1 proactively ensure that these things were being followed?
2 I mean we know they existed, but how do you know they were
3 being followed?

4 A As I said before there were audits, we do feel --
5 we do have a quality assurance aspect in everything that we
6 do do. I think Family Services sometimes felt that they
7 were the quality assurance for Intake because if something
8 came over to Family Services, or even looking and seeing if
9 a case had been closed a number of times, there would have
10 been discussions between myself, as program manager, and
11 the program manager for Intake, and those issues would have
12 been resolved.

13 Q Was there something else you wanted to add.

14 A I was going to say that basically -- I mean we
15 constantly looked at trying to be creative and if a
16 particular unit was overworked we either tried to change
17 boundaries, or became creative, so that people could get on
18 top of their work by giving say paperwork days or with
19 Family Services, for instance, taking somebody off of
20 receiving a new intake, a new case, for a time period so
21 they could get their workload caught up.

22 Q Right. So if workload becomes a problem you try
23 to address it as --

24 A That's correct.

25 Q Did you ever receive complaints directly or

1 through supervisors that workers were experiencing a
2 workload that was just too much to manage?

3 A I believe that was a constant thing.

4 Q As program manager at the time did you have a
5 responsibility to try and address that?

6 A Yes, I did.

7 Q Okay. And some of the things you mentioned
8 before, the workload relief, giving them days to get caught
9 up, those are the types of responses that you ...

10 A Yes, and we had put in what was known as a float
11 unit which were experienced social workers that could in
12 and help out units that were experiencing some overload.

13 Q Did that apply to the CRU?

14 A No, it did not.

15 Q What was in place for CRU, was there anything?

16 A CRU at times were able to bring in After Hours
17 staff on occasion, and to the best of my knowledge that was
18 done.

19 Q Was there a difference in terms of workload
20 between CRU and Intake?

21 A I think CRU certainly was inundated with getting
22 a number of calls, but like I said lots of those calls were
23 for information. Intake and CRU were always busy as far as
24 I was concerned, and I can only speak about my time, not
25 the time after 2003.

1 Q Right. Although as, as CEO you would have been
2 aware of that as well, I take it?

3 A That's -- well, yes, I would have been, but that
4 was also getting ready to be a stand alone agency waiting
5 for its mandate so, for instance --

6 Q Right.

7 A -- Patrick did not report to me as CEO.

8 Q I see, okay. In your view -- I mean you reviewed
9 all the workers' documents, you reviewed the reports, was
10 workload -- in this case did it have an impact on the
11 services provided to Phoenix Sinclair?

12 A The workload was always an issue. I'm not sure
13 that that would have had an impact. Maybe the constant
14 change of workers for the period of going into government
15 and being seconded to different agencies would have had an
16 impact on the number of workers that experienced that file.

17 Q Beyond that did you see anything else that
18 suggested that workload impacted the services provided to
19 Phoenix?

20 A Not that I can say.

21 Q In terms of standards we've heard a fair amount
22 of evidence that there was confusion as to which standards
23 applied at which time; is that, is that something you were
24 familiar with?

25 A Oh, very much so.

1 MR. OLSON: Just to find a bit of a reference if
2 we could put, please, on the monitor page 19153, this is
3 from Commission disclosure 985. You should have it, Mr.
4 Commissioner. You should have the document in, in your
5 list.

6 THE COMMISSIONER: Yes, I have it.

7

8 BY MR. OLSON:

9 Q This is a letter to Glenda Edwards, someone who
10 you were supervising --

11 A Um-hum.

12 Q -- from Richard Voss; is this a letter you would
13 have seen, you would have been familiar with?

14 A Could you scroll to the bottom?

15 Q And it's dated May 26, 1999.

16 A Yes, I'm familiar with it.

17 Q So this would have been something that was near
18 the time you started as a program manager?

19 A That's correct.

20 Q What is the issue that's of concern here?

21 A The issue is that basically they had been testing
22 a case management standards package, it had been tested, my
23 recollection, in a number of units in Winnipeg, and other
24 agencies, and at that point in time they were just testing
25 them, and they were wanting to come up with a workload

1 measurement tool, to go along with the standards package,
2 and that hadn't been completed.

3 Q Did anything come of this?

4 A No.

5 Q No. Okay.

6 A We were told to continue using it if we felt that
7 they were helpful to us, but until there was a workload
8 measurement tool they weren't going to come into existence.

9 Q And ultimately they didn't come into existence?

10 A Pardon me?

11 Q Ultimately they didn't come into existence?

12 A They did not.

13 Q Another letter, and I think it's along the same
14 lines as that -- sorry, 19622, dated May 11, 2001. This
15 would be to the executive directors, regional managers, et
16 cetera, by Dennis Schellenberg.

17 Is this a letter you've seen before?

18 A Yes, I have.

19 Q Does this speak to the same issue?

20 A I think it is the same issue, and he's basically
21 saying that -- I, I think in his letter he's indicating we
22 were to use them, but then they were going to put them on
23 hold because of the Authorities coming together. I can't
24 read that quite from -- what's out there, but I assume
25 that's on the second page.

1 Q If you -- I'm sorry, if you need some time to
2 look over the document that's fine, Ms. MacDonald.

3 THE COMMISSIONER: Well -- and she may need to
4 have it moved up on the screen.

5 MR. OLSON: Scroll, scroll the document.

6 THE WITNESS: Yes, he is saying he expects that
7 all agencies will be using case management standards by
8 January, 2002.

9 MR. OLSON: I just wanted to let you know, and
10 your counsel was, was whispering in my ear the same thing,
11 you can -- if at any time you need to see more of a
12 document you can just let the clerk know, and she'll adjust
13 it for you.

14 THE WITNESS: Oh, okay. Thank you.

15 MR. OLSON: I don't always notice where, where
16 it's at, so that's my fault.

17

18 BY MR. OLSON:

19 Q So this is talking about using these new
20 programs?

21 A Using the case management standards from '99
22 forward.

23 Q Were they -- and were they used in the program?

24 A No, they were used in test sites, a couple of
25 test sites, in Winnipeg and we, we indicated that there

1 were some issues, we documented what the issues were, and
2 we sent them forward.

3 Q What were the case management standards?

4 A What were they?

5 Q Yeah.

6 A They were best practice or guides for services --
7 for giving services to children and families.

8 Q So what, what was being addressed here was
9 providing some sort of a comprehensive uniformed guide,
10 best practice guide, what services were expected to be
11 delivered?

12 A That's correct.

13 Q And it was, it was piloted at various sites; was
14 it successful?

15 A There were some issues with it, and that they
16 also didn't have, my recollection, is any recording
17 packages to go along with them, where the older standards,
18 the '88 standards, actually had some guidelines for
19 completing information.

20 Q In absence of these standards being implemented
21 or adopted what would guide -- what did you expect would
22 guide workers' practice?

23 A We -- some of us old timers would refer to our
24 old blue binder, and it would have been the '88 standards,
25 and they were actually quite helpful, and had quite good

1 guidelines, and information for us to follow, so those were
2 placed in every unit, plus we did have our procedures and
3 -- our procedures manual, and they were also placed in
4 every unit, so that was the guide.

5 Q So if workers were wondering what to do in a
6 particular circumstance they could have reference to those
7 documents?

8 A Yes, they did.

9 Q That's something that would be made known to them
10 as, as workers?

11 A Oh, yes. As I said every supervisor had a copy
12 of them, and it's not something you refer to every day, but
13 clearly the supervisor would have been well versed on them.

14 Q So if a worker were to say that, I didn't know
15 what standards were in place at the time, I was confused,
16 there would be no standards for the worker to look at, or
17 was it just there, there may be some difference between the
18 standard that is being suggested, or was in place?

19 A It was a confusing time, and, and the standards
20 that the workers would be looking at were probably the '88
21 standards because those were the ones that were found in
22 the blue books, and that's the one they would have had
23 access to.

24 Q Okay. Sort of things like the number of times
25 you should get out to see a family when you're managing a

1 file would that be something you'd expect a worker to have
2 -- refer to a standard to determine?

3 A Yes, I guess so.

4 Q What about seeing the child who is the subject of
5 an abuse allegation, would that be something you'd have to
6 have reference to a standard?

7 A You (inaudible) have the reference to a standard.

8 Q And what is it about that that's different from
9 maybe how many times you have to get out to see a family?

10 A Because I think if the child is the subject of an
11 allegation then the child would need to be seen.

12 Q Would that be the case even if it's an
13 unspecified allegation?

14 A I guess it depends on the allegation. If, you
15 know, the allegation is the child was outside playing by
16 themselves under the age of 12, or whatever, then that's
17 probably not something you'd have to do. If there's an
18 allegation that the child is -- you know, has bruises or is
19 out in the middle of winter without any jacket and clothes,
20 yes, then that's something you'd need to see.

21 Q Being familiar with the facts of this case --

22 A Um-hum.

23 Q -- are you aware of the allegation of Phoenix
24 being locked in her room?

25 A Yes, I am.

1 Q And general abuse?

2 A Yes.

3 Q In that circumstance, and with the history of the
4 family, and Ms. Kematch, should Phoenix have been seen
5 before determining that there was no safety issue?

6 A Yes, the child should have been seen.

7 Q The issue of the draft standards, I take it, was
8 something that continued to be an issue for you as program
9 director?

10 A That's correct.

11 Q If you could put on the screen, please, page
12 20101. This is a memorandum from you to Dennis
13 Schellenberg and Joy Cramer dated December 17, 2003.

14 A That's correct.

15 Q In this letter you appear to be raising some
16 concerns about the draft standards. At the end you say:

17

18 "Would you please clarify the
19 expectations of the Child
20 Protection Branch and General
21 Authority with respect to the use
22 of the Draft Standards."

23

24 At this point in time, December 17, 2003, was
25 there still confusion as to which standards applied?

1 A Yes, there was.

2 Q Was that eventually sorted out?

3 A Basically the standards showed up on line
4 January, '05, and so we were then told to use the '05
5 standards.

6 Q Your understanding up until '05, when the '05
7 standards came on line, was that the -- which standards
8 would be applied?

9 A That the standards ...

10 Q Which standards would have been in place or in
11 force prior to the '05 standards being on line?

12 A Sorry, I didn't get your question, again.

13 Q I'll try to be a bit clearer. This -- in this
14 letter that we were looking at here your concern was -- is
15 you don't know what the status of the standards is?

16 A That's correct.

17 Q And which -- are you saying you don't know which
18 standards would have applied at the time?

19 A I think this just goes to show the confusion
20 around standards because there were the '99, and there were
21 2001, there were letters stating we've delayed the
22 standards coming on board so again for our practice and
23 guidance with the social workers and supervisors we went
24 back to what we call our big blue books, and --

25 Q Okay.

1 A -- that's what we were following, and seeking
2 clarification. There were just so many copies of different
3 standards around, nobody knew which ones we were to follow
4 so we made the decision that we would follow -- continue to
5 follow the '88 standards until January, '05 when they
6 showed up on line.

7 Q I see.

8 THE COMMISSIONER: You made a decision to follow
9 what standards?

10 MR. OLSON: The 1988 standards.

11 THE WITNESS: That's right.

12 THE COMMISSIONER: The, the '88 standards.

13 MR. OLSON: Eighty-eight.

14 THE WITNESS: Yes.

15

16 BY MR. OLSON:

17 Q And those were the standards contained in what
18 you call the big blue book?

19 A That's correct.

20 Q So when we've heard supervisors talking about
21 having a big blue book of standards in their office that
22 would be the 1988 standards?

23 A That's correct.

24 Q Is that something you conveyed to the
25 supervisors, you know, were still following the '88

1 standards?

2 A Yes. The supervisors and the assistant program
3 managers, yes.

4 Q Okay. So when it comes to the standards that
5 you're referring to are you referring to standards that --
6 up until the end of 2003?

7 A Yes, I am.

8 Q Following that, when you made the shift -- well,
9 you were still a program manager, but you were managing
10 different areas, what was your understanding as to the
11 standards that were in effect?

12 A In, in 2003?

13 Q Following 2003.

14 A The fall, 2003?

15 Q Sorry, following 2003.

16 A Oh. They were the same standards that would have
17 been in place until 2005.

18 Q We've heard some evidence that there were new
19 standards that were put into place, and that it was 2003
20 standards; is that anything you're familiar with, do you
21 have any knowledge of that?

22 A Not that I can recall, no.

23 MR. MCKINNON: I think what -- I think there was
24 some suggestion in some of the material I read about a 2001
25 standards --

1 THE WITNESS: Um-hum.

2 MR. MCKINNON: -- package, not a 2003, and, and
3 as I understand this witness' evidence she's saying it
4 wasn't -- there was some confusion as to whether the 2001
5 standards ever came into force, so she continued to apply
6 the 1988 standards.

7 THE COMMISSIONER: The 1988 --

8 MR. MCKINNON: That's what I understand her
9 evidence to be, so I, I just think you might have misstated
10 the year, it was 2001, that there was some suggestion that
11 there was a new standard.

12 MR. OLSON: That's, that's my understanding of
13 what she's saying as well, and what the letters are
14 addressing.

15 THE COMMISSIONER: '01, not '03?

16

17 BY MR. OLSON:

18 Q There was concern about whether or not the '01
19 draft standards were going to be adopted or not, but in the
20 meantime you were still using the '88 standards?

21 A That's right. My understanding is there was a
22 letter stating that the 2001 standards were to be put on
23 hold until the Authorities came on board.

24 MR. OLSON: It's 11 o'clock. Now might be a good
25 time to take a mid-morning break.

1 THE COMMISSIONER: The 2001 standards were put on
2 hold until ...

3 THE WITNESS: Until the Authorities were --

4 THE COMMISSIONER: In place.

5 THE WITNESS: -- in place.

6 THE COMMISSIONER: All right. We'll take a mid-
7 morning -- a 15 minute break.

8

9 (BRIEF RECESS)

10

11 THE CLERK: We're back on the record.

12 MR. OLSON: I think what I'd like to do is go
13 through a portion of Mr. Koster's report with you with
14 respect to the issue of standards, and hopefully clarify
15 what occurred over that period of time.

16 Could you put on the screen, please, page 64, and
17 please scroll down to "C5" would be the ...

18

19 BY MR. OLSON:

20 Q So this portion -- this is a portion of the
21 report you'd be familiar with; you've, you've reviewed this
22 before?

23 A Oh, yes, I have, yes.

24 Q I'm just going to take you through it. So the
25 conclusion Mr. Koster arrived at was:

1 "The difficulty of instituting --"

2

3 Sorry.

4

5 "The official letters and e-mails
6 which support this contention (C4.
7 and C5.) are provided in
8 chronological order below. They
9 span the years from 1999 until the
10 present. The letters themselves
11 have been submitted to the Office
12 of the Child Advocate for Manitoba
13 as part of this Section 4 review.
14 In 1999 a draft of new Protection
15 Standards were circulated to the
16 field."

17

18 And that's what we were talking about, the first
19 letter I showed you this morning?

20 A That's correct.

21 Q And those standards are found at page -- we'll
22 just quickly go to the page, it's 19156. Okay, scroll down
23 to the first page.

24 Are these the, the draft standards that are being
25 referred to, the '99 standards?

1 A In -- with regards to what Mr. Koster has talked
2 about?

3 Q Right.

4 A Yes.

5 Q Okay. And just for -- to make it hopefully clear
6 the 1988 standards, the ones that were in place at the
7 time --

8 A Right.

9 Q -- those are found at Commission disclosure 983
10 beginning at page 18662. If you'd just pull that up on the
11 page.

12 So these are the 1988 standards?

13 A That's correct.

14 Q These standards, the 1988 standards, in your view
15 remained in effect until when?

16 A Until 2005.

17 Q Okay. So these were in effect until the 2005
18 standards came on line?

19 A That's correct.

20 Q So the series of letters that we've looked at,
21 and that Mr. Koster is referring to, and if we go back to
22 Mr. Koster's report, page 64 ... Scroll down, please.

23 So the 1999 -- reference here is to the 1999
24 draft standards, we just looked at?

25 A Right.

1 Q And it says in the blocked quoted portion:

2

3 "In short, we are suggesting that
4 the 'narrative' be excepted as is
5 for the present and next stop
6 efforts be focused on ensuring
7 that the forms and instruction
8 components meet the needs for
9 which they are designed. Later in
10 this correspondence you will also
11 see that we are suggesting it is
12 now time to begin to consider the
13 issue of workload impact and
14 workload measurement."

15

16 That's what we were just talking about in the
17 first letter I showed you?

18 A Right.

19 THE COMMISSIONER: Is that the letter that's
20 referenced of May 26th?

21 MR. OLSON: That would be the May 26th letter.

22 THE COMMISSIONER: And what -- have we got that
23 this morning -- have we had that this morning?

24 MR. OLSON: Yes, that is from Commission
25 disclosure 985.

1 THE COMMISSIONER: Oh, yes, I, I have it, yes,
2 all right. I just want to make notes if that's the one
3 that's being talked about there.

4 MR. OLSON: That's the reference.

5

6 BY MR. OLSON:

7 Q And if we scroll down it continues on the next
8 letter sent to the Executive Directors, Child and Family
9 Services Agencies, Regional Managers, Regional Offices and
10 Winnipeg Child and Family Services, indicates the next
11 stage in the process in instituting the provincial
12 standards.

13 By May 11, 2001 seven agencies have piloted the
14 original standards and the reference to the letter referred
15 to here was a letter we looked at earlier this morning, at
16 page 19622, dated May 11, 2001, it's Commission disclosure
17 991.

18 Sorry, we'll scroll to the next page, please.

19 THE COMMISSIONER: What do you want her to read
20 now?

21 MR. OLSON: Well, this -- just, just for
22 reference, for the sake of reference, there's a direct
23 quote on this page from the letter where it starts:

24

25

1 "I am aware of the extra effort
2 that many put into this project.
3 My thanks as well to Richard Voss,
4 who kept the initial process on
5 track and initiated the pilot
6 process."

7

8 It talks about the standards, and then it says --
9 later in the letter it indicates that:

10

11 "The implementation process will
12 involve training of supervisors
13 beginning in September 2001.
14 Supervisors will then be
15 responsible to train their staff.
16 Training will cover the case
17 management process, the
18 expectations contained in the
19 standards and the role of the
20 supervisor and case manager. The
21 Agency Relations staff will be
22 available to consult with
23 supervisors on an individual basis
24 regarding case management and
25 documentation."

1

2 And then it says:

3

4 "It is expected that all agencies
5 will be using the new case
6 management standards by January 1,
7 2002."

8

9 BY MR. OLSON:

10 Q Was that the plan at the time that they would be
11 implemented?

12 A That's correct. My understanding was he was
13 indicating though that there would be a workload
14 measurement tool at that time as well.

15 Q What was a workload measurement tool?

16 A It hadn't been developed yet.

17 Q What was, what was the purpose of it?

18 A It's purpose would be to be looking at not just
19 caseloads, but the workload that would be involved with it,
20 and how that would be measured.

21 Q And how did that, how did that relate to new
22 standards being put in place?

23 A Basically he was saying that he couldn't put the
24 new standards in place without measuring the entire
25 workload associated with meeting those standards.

1 Q Okay. So in other words the new standards may
2 have impact on workload and that has to be known before the
3 standards are adopted?

4 A That's correct.

5 Q So in the meantime until that's done we're going
6 to keep the 1988 standards in place?

7 A What he did indicate was those of us who piloted
8 it, and Winnipeg had, you could use them if you felt they
9 were helpful to you.

10 Q If we could scroll down, please, a page. Scroll
11 up just a little bit. Right there.

12 It says:

13

14 A follow-up letter from the Acting
15 Executive Director of Child
16 Protection on July 12, 2001 to all
17 mandated agencies provided further
18 clarification.

19

20 This letter that's being referred to is at page
21 19699. If you could just put that on the screen, please.

22 Is this the letter, is this your understanding
23 this is the letter that's being referred to by Mr. Koster?

24 A That's correct.

25 Q And this says:

1 "Further to my letter of May 11,
2 2001, we have agreed to delay
3 implementation of the Case
4 Management Standards to enable the
5 four authorities to deliver the
6 training necessary to support
7 their use. It is hoped that these
8 standards will be in effect by
9 April 2002."

10

11 A That's correct.

12 Q So the reason for delaying the standards here is
13 indicated as being to allow sufficient training to occur.

14 And then it says:

15

16 "During the implementation of the
17 AJI-CWI it is essential that there
18 continue to be clear direction as
19 to what is expected in Manitoba to
20 keep children safe and projected.
21 This direction is currently
22 provided under the Child and
23 Family Services Act and the
24 Adoptions Act and their
25 accompanying Regulations and the

1 attached administrative standards.
2 I will continue to keep you
3 informed of any changes as they
4 occur."

5

6 Is that essentially saying that it's the Act that
7 governs how children are to be kept safe in Manitoba?

8 A That's my understanding, yes.

9 Q Your understanding is to -- what in fact was in
10 place to keep Manitoba children safe at the time, in
11 terms --

12 A Yes.

13 Q The reference went back to the Act?

14 A Yes.

15 Q The understanding is that the Act essentially
16 places the obligation on Child and Family Services to
17 protect children?

18 A That's true.

19 Q If we could go back, please, to Mr. Koster's
20 report, we were on page 16. Down further, please. Sorry,
21 66.

22 Where it says:

23

24 As of December 17, 2003 it is
25 evident that the draft standards

1 and the timeframes set in the
2 previous letter had not been met.

3

4 That's correct, you indicated earlier; right?

5 A That's correct.

6 Q There is a memo written by administration of
7 Winnipeg Child and Family Services in regard to
8 recommendations from the Chief Medical Examiner that
9 recommended that the branch should be using the draft
10 standards.

11 Is that something you're familiar with?

12 A Yes, I am.

13 Q So the CME was indicating that the draft
14 standards should be used?

15 A That's true.

16 Q What was your understanding as to the reason for
17 that?

18 A I think she just felt that they were -- or the
19 OCME felt that the draft standards were the ones that
20 should have been referred to, that had been piloted, and
21 that was just their understanding. That that was primarily
22 why I wrote for clarification.

23 Q If we can scroll down, please. As of -- sorry,
24 right, right there.

25

1 As of February 4, 2004 the status
2 of the standards has still not
3 been resolved. A memo sent from
4 the Executive Director of Child
5 Protection to Winnipeg Child and
6 Family, the General Authority --

7

8 Et cetera, talked about the draft standards. The
9 reference here is to page 20263. This is a February 4,
10 2004 memorandum to you from Joy Cramer?

11 A That's correct.

12 Q And this is, this is the memorandum Mr. Koster is
13 referring to in his report?

14 A Yes, it is.

15 Q Here Ms. Cramer is indicating that:

16

17 "In response to your memo of
18 December 17, 2003, child and
19 family services agencies are
20 expected to use the Case
21 Management Standards in
22 conjunction with the
23 administrative standards
24 distributed July 12, 2001."

25

1 So what was that telling you, what was your
2 understanding of that?

3 A Basically telling us that we should have been
4 using the case management standards, and there was
5 administrative standards, which I believe were part of the
6 1988 standards.

7 Q So that -- the administrative standards were part
8 of the 1988 standards is your understanding?

9 A The, the part she calls "administrative
10 standards", yes.

11 Q Okay. What about the case management standards,
12 which standards were those?

13 A Case management standards would have been the
14 2001.

15 Q When you say "2001" --

16 A Those would have been the draft standards where I
17 believe Richard Voss was referring to, and then they were
18 put on hold.

19 Q Those are the ones we looked at earlier?

20 A Yes.

21 Q That's not -- that's something different than the
22 draft 1999 standards?

23 A It probably would have been the draft '99
24 standards.

25 Q The draft '99 standards, okay.

1 A Sorry. Um-hum.

2 Q That's page 19156. So your understanding
3 following this memorandum is that it was the 1999 standards
4 that were to be followed, the draft standards?

5 A That was -- Cramer was telling us to follow?

6 Q Right.

7 A That's my understanding.

8 Q Go back, please, to page 66 of Mr. Koster's
9 report. Please scroll down. So let's go to page 67. He,
10 he continues on:

11

12 On March 1 of the same year, 2004,
13 Winnipeg Child and Family Services
14 sought further clarification about
15 the draft standards. They wrote
16 to the Child and Family Services
17 General Authority with copies to
18 the Child Protection Branch of the
19 provincial government.

20

21 The document -- the letter that's being referred
22 to here is actually authored by you, it's at page 20265 to
23 Dennis Schellenberg. Is this, is this the letter you
24 understand Mr. Koster to be referring to?

25 A Yes, it is.

1 Q And in this letter it appears you're writing for
2 further clarification?

3 A That's correct.

4 Q Based on what Ms. Cramer wrote earlier?

5 A That's correct.

6 Q You write:

7

8 "Winnipeg Child and Family
9 Services --"

10

11 This is the third paragraph.

12

13 "Winnipeg Child and Family
14 Services is attempting to adhere
15 to the Administrative Standards
16 and has distributed the Case
17 Management Process and Standards
18 for information only."

19

20 What did you mean by that?

21 A The case management standards or case management
22 process and standards those were the ones that have been
23 just piloted, so we had piloted them, we were told to use
24 them if helpful, and we distribute them, so they were for
25 information only and we continued to go with the

1 administrative standards.

2 Q The administrative standards those were the 1988
3 standards?

4 A That's my understanding.

5 Q That's something you would have communicated to
6 workers below you?

7 A That's correct. As you can tell there was much
8 confusion about standards, and we were just trying to
9 simplify it and find out what we could adhere to.

10 Q Right. But you, as the program director, you
11 were able to give instructions to the assistant program
12 directors, and in turn supervisors, and, and the workers --

13 A That's correct.

14 Q -- in terms of what they should be looking at for
15 standards?

16 A Yes.

17 Q You conclude your letter by saying:

18

19 "We are requesting clarification
20 that our current practice of
21 referring to the Administrative
22 Standards is acceptable, and we
23 trust we are to refer to the Case
24 Management Standards as we
25 continue to revisit our Branch's

1 policies and procedures. If our
2 assumptions were incorrect your
3 direction would be greatly
4 appreciated."

5

6 So here you're saying we're going to continue to
7 follow the 1988 standards?

8 A That's correct.

9 Q Unless you tell us otherwise?

10 A That's correct.

11 Q Go back to page 67 of Mr. Koster's report. If
12 you could scroll down to the next page, please.

13 It says:

14

15 Feedback of the CFS foundational
16 draft standards by the General
17 Child and Family Services
18 Authority provided on August 30,
19 2005 --

20

21 And then he goes through overall feedback. What,
22 what is your understanding of the outcome of this
23 correspondence with respect to standards, how was it left?

24 A How was what left?

25 Q The, the status of the standards. We know that

1 new standards came in in '05.

2 A Right.

3 Q Up until that point in time was it your
4 understanding that the 1988 standards remained in effect?

5 A That's my understanding.

6 THE COMMISSIONER: You're not asking her what --
7 how Koster assessed it, you're asking her what her
8 understanding was?

9 MR. OLSON: Her own understanding, yes.

10

11 BY MR. OLSON:

12 Q So what standards applied became a bit of a moot
13 point by 2005 because there were new standards that were
14 adopted?

15 A That's correct.

16 Q Those new standards are -- just for the record if
17 we go to page 38214, this is Commission disclosure 1818.
18 These would be the 2005 standards; is that right?

19 A That's correct.

20 THE COMMISSIONER: And until they came in you
21 were following the 1988 standards; is that correct?

22 THE WITNESS: Correct, as well as our policy
23 procedures manual.

24

25 BY MR. OLSON:

1 Q So we've spent a lot of time on standards just
2 now. At the end of the day, when you look at this file,
3 when you look at what happened, in your view was it a --
4 was, was -- the shortcomings on the file as a result of
5 standards not being clear?

6 A No.

7 Q While you were a --

8 THE COMMISSIONER: Just, just a minute. I might
9 as well clarify while I'm at it. You just put to her that
10 the shortcomings in this file, that is the Phoenix Sinclair
11 file?

12 MR. OLSON: That's right.

13 THE COMMISSIONER: Were the result of the
14 standards not being clear?

15 MR. OLSON: Were, were the shortcomings
16 identified in this file, and I should be very specific
17 here, with respect to what the report writers have
18 indicated, were they the result of the standards not being
19 clear.

20 THE COMMISSIONER: And the witness said, yes?

21 MR. OLSON: She said --

22 THE WITNESS: No.

23 MR. OLSON: -- was not the result of the
24 standards not being clear.

25 THE COMMISSIONER: Not as a result of the

1 standards being clear?

2 THE WITNESS: That's correct.

3 THE COMMISSIONER: All right. That's -- I, I --
4 let me just get that down.

5 MR. OLSON: Thank you.

6 THE COMMISSIONER: All right. Thank you. I'm
7 glad I clarified that.

8

9 BY MR. OLSON:

10 Q One of the questions that's come up, and I put it
11 to you somewhat earlier today, is why the file didn't end
12 up staying with Family Services at some earlier point. Did
13 that have anything to do with, in your view, pressure to
14 close files?

15 THE COMMISSIONER: Just a minute. You've asked
16 two questions there. The first one was why the file didn't
17 stay in Family Services?

18 MR. OLSON: No. I asked the witness earlier
19 today about why the file didn't stay at Family Services --

20 THE COMMISSIONER: Yes.

21 MR. OLSON: -- that's something we've been
22 wondering about.

23 THE COMMISSIONER: Yes.

24 MR. OLSON: And then I've asked her did that have
25 anything to do with pressure to close files.

1 THE COMMISSIONER: Yes.

2 MR. OLSON: So that's my question.

3

4 BY MR. OLSON:

5 Q Does that have anything to do with the pressure
6 to close files?

7 A No, I don't think so.

8 Q Were you able to determine from your file reviews
9 any reason why the file didn't stay at Family Services,
10 or ...

11 A No, I could not. As I said it looked like there
12 was apparently a decent plan in place and it just seemed to
13 end suddenly, and the case was closed.

14 Q And you said earlier I think, I don't want to put
15 words in your mouth, but I think you said earlier you
16 couldn't attribute that to workload issues?

17 A No, I could not.

18 Q Or anything else that you could really point to
19 as to why that occurred?

20 A No, I couldn't.

21 Q I want to ask you about a document we've looked
22 at a few times during this inquiry. Page 20260, "CRU JOINT
23 MEETING MINUTES" and I appreciate it doesn't appear that
24 you would have been involved in this meeting.

25 A No, I would not have been.

1 Q There's -- point number 13 if you can turn to
2 that, that's on the next page under "Assessments" it says:

3

4 "There were concern raised about
5 assessments being made over the
6 phone that should be done by a
7 field to the home. As much as is
8 possible, when there is a concern
9 about a child in the home, the
10 home and the child should be seen
11 by a worker. If the decision is
12 made to complete an assessment via
13 telephone or through a collateral
14 this should be reviewed and
15 approved by the Supervisor."

16

17 The issue of assessments being made over the
18 phone is that something you were aware of as program
19 manager?

20 A No, I'm not.

21 Q Would it ever be appropriate in your view, and
22 specifically the time that you were involved as program
23 manager, to do assessments of children -- concerning child
24 protection concerns over the phone?

25 A No, you would gather information over the phone,

1 but you wouldn't assess over the phone.

2 Q In your view would it be possible to determine
3 the safety of the child, where there's a child protection
4 concern, without actually seeing the child?

5 A No, you could not.

6 Q I asked you earlier if you had any involvement in
7 Phoenix's file, and you -- and I think you said you
8 couldn't recall any involvement?

9 A That's correct.

10 Q Now we do know that you did have some involvement
11 in the file when Echo died, that's something you're aware
12 of?

13 A That's correct, yes.

14 Q I just want to ask you a couple of questions
15 about that. If we could put on the screen, please, 37475,
16 and this is from Steve Sinclair's case file, Commission
17 disclosure 1796.

18 Do you recognize this document?

19 A Yes, I do.

20 Q Can you explain what it is?

21 A It is a standard requirement when a child dies,
22 that is not in the care of the agency, there is a
23 notification, and we just called -- at that point in time
24 it was called section 182, and it's a requirement, and it's
25 to be done within a certain timeframe, within 24 hours, and

1 we are to send it to the Director of Child Welfare, and
2 that's what that was.

3 Q So this -- it's dated July 16, 2001, that would
4 have been after the death of Echo came to the agency's
5 attention?

6 A That's correct.

7 Q It's written, according to the signature page at
8 37479, by Lorna Hanson?

9 A That's correct.

10 Q A supervisor?

11 A Yes.

12 Q She was supervisor of the worker in the file
13 Delores Chief-Abigosis?

14 A That's correct.

15 Q She's -- it looks like, if we go through it,
16 she's provided you the agency's involvement with the family
17 to that point?

18 A That's correct.

19 Q Would you have reviewed this when you received
20 the letter, would you have reviewed the letter in detail?

21 A I would have read it to make sure that the
22 information was in there, and then I would have forwarded
23 it to the Director of Child Welfare.

24 Q Okay. Would you have reviewed anything else in
25 connection with this letter?

1 A I would have made sure that the assistant program
2 manager had a copy of it, and was following the case.

3 Q The assistant program manager at that time was
4 Glenda Edwards?

5 A That's correct.

6 Q So you would have -- in other words you would
7 have relied on her to ensure she was following the case and
8 had knowledge of what was going on?

9 A That's correct.

10 Q Do you have independent recollection of your
11 involvement at this time?

12 A No. As I said this would be a standard letter
13 that would be sent to my attention.

14 Q In terms of the contact that Ms. Chief-Abigosis
15 had with the family at the time is that something you would
16 have flagged in your review of the letter?

17 A No, it's not.

18 Q At the time would you be looking at the quality
19 of the worker's work with respect to the family?

20 A I would have asked the assistant program manager
21 to follow-up with that.

22 Q Do you recall whether or not you had any concerns
23 at this time with respect to the quality of the work?

24 A No, I had not -- or I should say I wasn't aware
25 of any.

1 Q You don't have -- you never found any
2 documentation indicating that you had any concerns?

3 A No.

4 Q Let's look at document -- sorry, page number
5 37474. This is dated July 18, 2001, it's to you from Jan
6 Christianson-Wood, a special investigator. Can you explain
7 what this letter is?

8 A This is another standard letter, when the Chief
9 Medical Examiner wants to review a file this is the letter
10 that they sent to us asking to make our files available.

11 Q Would your file be made available as a result of
12 this letter then to Ms. Christianson-Wood?

13 A That's correct.

14 Q And a notation is written on the file, do you
15 know whose those are, the handwritten? It looks like one
16 has Lorna Hanson signed below.

17 A I, I can't see the bottom.

18 Q I'm sorry. If you'd scroll down a little bit
19 more.

20 A It looks like they're Lorna Hanson's remarks.

21 Q They're not your remarks then?

22 A No, they're not mine.

23 Q Would you have provided this to Ms. Hanson as the
24 supervisor at the time?

25 A Provide the letter?

1 Q The letter.

2 A Oh. My executive assistant probably would have
3 sent her a copy of the letter, as well as the assistant
4 program manager.

5 Q Okay. I want to talk to you now about your role
6 as CEO. So you became CEO in 2006?

7 A That's correct.

8 THE COMMISSIONER: And now you're talking about
9 her second involvement?

10 MR. OLSON: Exactly.

11 THE COMMISSIONER: All right. We're moving to
12 that.

13

14 BY MR. OLSON:

15 Q So becoming CEO was that a promotion then from
16 program manager?

17 A Yes, it was.

18 Q What was --

19 THE COMMISSIONER: And that occurred in what
20 year?

21 THE OLSON: Two thousand six.

22 THE COMMISSIONER: And you remained there
23 until ...

24 THE WITNESS: Until 2011.

25 THE COMMISSIONER: Right.

1

2 BY MR. OLSON:

3 Q What was your role as CEO?

4 A It was -- is the overall day-to-day activities of
5 the entire agency.

6 Q At a fairly high level?

7 A At a fairly high level, yes.

8 Q The agency had gone through a lot of transitions
9 we've heard in the years preceding your becoming CEO.

10 A That's correct.

11 Q What was the atmosphere at the agency like when
12 you became CEO?

13 A I think we had just completed going through AJI
14 and transferring in of our cases. People were still
15 concerned about where they may have been working, and going
16 to different agencies, and whether they would be ever
17 coming back to Winnipeg. We were hiring -- because there
18 was something called Reasonable Job Offers we were hiring
19 our staff only on term, so it was very hard to recruit and
20 maintain staff, but I do believe towards the end of 2006,
21 2007 we started to stabilize, and actually with myself, the
22 program managers and the staff we were able to put together
23 a number of letters and correspondence, which actually
24 resulted in additional staff coming to Winnipeg.

25 Q Okay. So earlier on we talked about issues that

1 you were dealing with as a program manager, and they
2 included things like standards, workload, morale; had those
3 issues improved in your view by the time you were -- became
4 CEO?

5 A I think they had started to improve. Certainly
6 in 2008 there were -- it was training with respect to
7 standards. Also the -- we had initiated a number of new
8 initiatives; staff engagement which was a committee that
9 had a representation of staff right across the agency, and
10 they also came to our management meeting and I think they
11 had a very -- a good place in helping morale with the
12 agency, and also becoming involved in the day-to-day
13 workings of the agency, improving conditions.

14 Q Okay. When did you learn of Phoenix Sinclair's
15 death?

16 A Actually I remember that fairly well. It was on
17 a Sunday and I was at home reading the newspaper, and I had
18 read about her very tragic death and later that evening I
19 got a phone call from the Director of Child Welfare, Jay
20 Rodgers, asking me if I had heard anything about the case.
21 Because I hadn't been notified I assumed it wasn't a
22 Winnipeg case, and he indicated that the case was at JIRU
23 and that they would be bringing in an outside person to
24 review the case, and that I should be in touch with him in
25 the next couple of days.

1 Q Was that person identified to you?

2 A Andy Koster, yes.

3 Q In terms of bringing Andy Koster in then it was
4 Mr. Rodgers who was -- had that responsibility?

5 A That's correct.

6 Q Okay. You had a role though I understand in, in
7 the reports that were commissioned, or at least some of the
8 reports that were commissioned following Phoenix's death;
9 is that ...

10 A The involvement I would have had with the
11 internal report with Rhonda Warren that the General
12 Authority, Dennis Schellenberg, wanted completed.

13 Q Okay. Well, I'll take you to some correspondence
14 about that in a moment.

15 I want to ask you about some senior management
16 meeting minutes at page 40294. This is from Commission
17 disclosure 1917, and it indicates that you were present at
18 this meeting on September 27, 2006, as were a number of
19 other individuals, including Pat Harrison and Dan Berg.

20 Were these the types of minutes that you would
21 keep when you had meetings, the senior management meetings?

22 A Yes, that's true.

23 Q And this -- these -- this would have occurred
24 after you learned of Phoenix Sinclair's death?

25 A That's correct.

1 Q If you would look, please, at the next page,
2 paragraph 11, it's a bit hard to read. I think it says
3 "Intake Transfer Protocol" and it says:

4

5 "The above was reviewed and
6 concerns noted around the plan to
7 shred case notes. Pat will
8 investigate the issue further.
9 The protocol will be discussed
10 further at the October 6 WCFS/JIRU
11 Management Meeting."

12

13 Do you know what that's referencing?

14 A I assume that must have been something that Andy
15 may have brought to our attention. I'm only guessing at
16 this point in time. If notes were shredded and we were
17 reviewing it because our understanding are that notes
18 should not have been shredded.

19 Q The, the issue of, of notes being shredded was
20 that something that you would have been aware of prior to
21 this meeting?

22 A If it was on the -- it would have -- somebody
23 would have put it on the agenda, so I'm not sure who would
24 have done that.

25 Q We have heard some evidence from workers and

1 supervisors that certain notes were shredded, case --
2 ongoing notes taken in the field, or sometimes supervision
3 notes; what was your understanding as to whether or not
4 notes should be shredded?

5 A I thought our policy was fairly clear that notes
6 shouldn't be shredded. Now, there, there was some practice
7 of people typing their recording right into CFSIS so they
8 may have gotten rid of their notes at that point in time,
9 but, no, not until they were actually typed in.

10 Q Okay. How about supervision notes, notes taken
11 by supervisors during -- actual supervision workers?

12 A Supervisor notes were not to be shredded.

13 Q Even when a supervisor left an agency -- the
14 agency?

15 A Well I don't think we were very clear when
16 supervisors left the agency. I think we were very clear
17 that the binders with open cases would remain behind for an
18 incoming supervisor. I don't think the notes were as clear
19 about when a case was closed. My understanding was that
20 they were to be placed in the back of the file.

21 Q Okay. Was that your expectation as well?

22 A Yes, it was.

23 Q Item number 12 -- aside from what I've asked you
24 about just now, about the shredding notes, do you, do you
25 recall anything else about that issue?

1 A No, I do not.

2 Q Okay. Item number 12 on the same document it
3 says "WCFS Policy Manual".

4

5 Andy Koster, who is conducting a
6 review into the Phoenix Sinclair
7 case on behalf of the government,
8 has raised concern that not all
9 staff seem to be aware of the
10 Branch Policy Manual, the manual's
11 content was to be reviewed some
12 time ago, and information of the
13 status of that review will be
14 brought to the October 11 senior
15 management meeting. Teams will be
16 canvassed to determine if they all
17 have a copy (...)"

18

19 Et cetera.

20 What -- do you recall that being an issue?

21 A I recall Andy bringing it up as an issue, and I
22 was a little bit surprised by that because most people had
23 had -- most unit supervisors had had a copy of the policy
24 manual, however, we were working to put it on line, and I
25 guess that's what it's referring to, discussion around

1 putting branch policies and procedures on the "T" drive.

2 Q But it was surprising to you that not everyone
3 was familiar with the manual, that's something that was --

4 A I assumed everybody was familiar with it. What
5 -- surprising was that people didn't have a copy of it in
6 their unit because that was the expectation.

7 Q Is that fact something you would have expected
8 supervisors to bring to your attention at some point?

9 A If they didn't have it, yes.

10 Q And had anyone brought that to your attention
11 previously?

12 A No, they did not.

13 Q Okay. Number 16, "Agenda Items for Joint
14 JIRU/WCFS Management meeting." It says:

15

16 "Physical file checks by Intake
17 before a case is transferred to
18 Family Service.

19 • Protocol re external reviews
20 and staff involvement.

21 • Impact on staff of JIRU
22 becoming an independent agency."

23

24 A Um-hum.

25 Q What is, what is the protocol re external reviews

1 of staff -- and staff development, what does that refer to?

2 A I'm not too sure. I don't think I can comment,
3 other than it looks like we are looking to have joint
4 meetings with Winnipeg JIRU talking about what goes on at
5 that time.

6 Q Do you know if the reference to external reviews
7 would be the type of reviews that Mr. Koster was doing?

8 A It could very well be.

9 Q Okay. Was there any sort of plan developed at
10 the management meeting as to how to handle the reviews that
11 were coming as a result of Phoenix's death?

12 A I was clearly told that Andy would be meeting
13 with myself and senior managers, and we were to cooperate
14 and turn over any documents he requested, or any documents
15 we had, so that was the only indication. I know that Mr.
16 Koster was going to be setting up an office at 835 Portage.

17 Q Okay. When you learned of Phoenix's death --

18 A Um-hum.

19 Q -- did you instruct any workers or supervisors to
20 review their involvement or potential involvement, and to
21 make any kind of record?

22 A No, I did not.

23 Q Did you ask any workers to preserve file
24 information?

25 A Well, I immediately called for the file upon

1 hearing of the death of the child and my executive
2 assistant would have set the file to confidential so nobody
3 would have any access to it.

4 Q Okay.

5 A My recollection is that with regards to Family
6 Services there was nobody there at the time that had been
7 involved in the Family Service file, this was 2006, the
8 closing was 2003. With respect to the intake that would
9 have been Pat Harrison at that time.

10 Q Did you have any discussion with any of the
11 supervisors with respect to their involvement in the file?

12 A No, I did not.

13 Q Did you arrange to interview any workers?

14 A No, I did not. What we did do though myself and
15 the president of the Union at that time, Jan Henley, went
16 to the Employee Assistance Program, and arranged for some
17 debriefing for any of the workers and supervisors who had
18 been involved in the file.

19 Q Okay. Put page 36186 on the screen. Sorry,
20 36186.

21 The -- this appears to be two e-mails. The one
22 on the bottom is from Dennis Schellenberg to you. It's
23 dated March 16, 2006. Can you explain what this e-mail is
24 about?

25 A The e-mail is from Dennis Schellenberg, is that

1 what you're referring to?

2 Q Right.

3 A From Dennis Schellenberg to myself, and to Rhonda
4 Warren, copied to other people, and it was a formal request
5 to conduct an internal review under provincial standards,
6 and there was a number of questions that he attached that
7 he wanted answered.

8 Q So it would have been Mr. Schellenberg who came
9 up with the questions?

10 A That's correct.

11 Q In terms of the questions to be answered those
12 would be on the next page, 36187, pull that up. Are these
13 the questions?

14 A Yes, they were.

15 Q They go to page 36193. What was the purpose of
16 the internal review, or what's your understanding of the
17 purpose of having it done?

18 A To review -- the purpose was in meeting the
19 standards to, to look at any child who died in the agency
20 -- in the care of the agency and to see if standards were
21 met, or if there were ways to improve service so we could
22 prevent this from happening again.

23 Q In terms of preventing this from happening again
24 we've, we've heard from the various workers involved, and
25 the supervisors, none of them were made aware of the

1 contents of the various reports that came out following
2 Phoenix's death. Were you aware of that?

3 A Yes, I was.

4 Q Was that a conscious decision on, on your part?

5 A My -- well, a conscious decision on my part, I
6 think there were people above me who made that decision.

7 Q Did you have any part in making that decision?

8 A No, I did not.

9 Q Is it a decision you agreed with?

10 A I, I realized what the purpose of the reports
11 were. It definitely wasn't to look at individual
12 performance with regards to the files. It was definitely
13 to look at whether standards were met, and to prevent -- or
14 examine circumstances that were happening to prevent this
15 from happening again.

16 Q Okay. The reports, I don't think there's any
17 controversy that they're fairly critical of a lot of the
18 work that was done by the various workers and supervisors,
19 and on and on.

20 A That's correct.

21 Q Was anyone made accountable for any of the work
22 done or not done?

23 A What do you mean by made "accountable"?

24 Q Was there any discipline plan, was there any
25 censure?

1 A No, there was not.

2 Q Or remedial training?

3 A Not that I'm aware of.

4 Q So the workers and supervisors involved who would
5 have been responsible for the work, and not having access
6 to the reports, they wouldn't necessarily know what they
7 did in the case that may have fallen short until the
8 inquiry; is that ...

9 A That's correct.

10 Q As the CEO, and then being aware of what the
11 reports indicated, why didn't you at least make workers
12 aware of their involvement?

13 A I was asked to keep the reports confidential, and
14 not to share them with anyone.

15 THE COMMISSIONER: Did you just say you were
16 told?

17 THE WITNESS: Yes.

18

19 BY MR. OLSON:

20 Q If we could bring up, please, page 12090. This
21 was a letter addressed to Dennis Schellenberg and if you
22 look on the next page --

23 THE COMMISSIONER: Just a minute until I find
24 that. 12 ...

25 MR. OLSON: 12090.

1 THE COMMISSIONER: Yes, I have it.

2

3 BY MR. OLSON:

4 Q It's dated October 12, 2006. If you'd look on
5 page 12091 you're copied on the letter. Maybe just go to
6 the next page, the bottom of the page.

7 Now, this is concerning the report from the CME.
8 In the letter it indicates -- you see that it says:

9

10 "Given the sensitive nature of the
11 report, we ask that you not make
12 copies of the report nor share its
13 contents without the written
14 permission of the Executive
15 Director of the Child Protection
16 Branch."

17

18 It goes on to say:

19

20 "However, a copy of the CME's
21 report may be shared with staff of
22 the Winnipeg, Rural and Northern
23 Child and Family Services
24 (Winnipeg regional office) (WCFS)
25 who are directly involved with the

1 matter for purposes of reviewing
2 the recommendations in the CME's
3 report."

4

5 What did you understand that to mean?

6 A This is a standard letter that comes out with any
7 death of a child, or any review --

8 Q Right.

9 A -- and basically is saying the same thing it
10 always does about not to share copies of this unless for
11 purposes of answering the recommendations.

12 Q What about sharing it so -- for purposes of
13 reviewing the recommendations in the CME's report, it seems
14 to me that it suggests that you can review it with the
15 workers involved in the file; is that -- was that your
16 understanding?

17 A No, that was not my understanding at the time.
18 My understanding was that I could review this particular
19 file with the program managers that were involved.

20 Q Directly involved in the file itself?

21 A That's correct.

22 Q Okay. And then the letter -- it just said
23 "staff" but your understanding was that meant the program
24 directors?

25 A Yes, I had asked for clarification and if I could

1 share any of the reports with program managers for the sake
2 of answering recommendations, but only the program
3 managers.

4 Q Okay. Who provided that clarification?

5 A Dennis Schellenberg.

6 Q Okay. Was that verbally done or ...

7 A I believe there's an e-mail to that.

8 MR. OLSON: I don't know if we've seen an e-mail
9 to that effect. Has that been produced to the Commission?

10 MR. MCKINNON: Mr. Commissioner, I think I'd need
11 a break to see if I can locate that e-mail. I, I wouldn't
12 be able to locate it in, in one minute.

13 THE COMMISSIONER: Well it's nearly lunch time
14 anyway.

15 MR. OLSON: Yes, I'm nearly done my questioning,
16 Mr. Commissioner. I understand that there won't be many
17 questions from others, although that might have changed.

18 THE COMMISSIONER: What are you suggesting?

19 MR. OLSON: So if I were to finish up -- Ms.
20 MacDonald is the only witness scheduled for today.

21 THE COMMISSIONER: Yes.

22 MR. OLSON: If I were to finish up I, I suspect
23 we could break for the day.

24 THE COMMISSIONER: There's, there's no witness
25 for this afternoon?

1 MR. OLSON: No, there is no witness for this
2 afternoon.

3 THE COMMISSIONER: How did that happen?

4 MR. OLSON: The, the witness -- Ms. MacDonald was
5 scheduled for the full day today, we were going to try and
6 put another witness on following her. That evidence is
7 somewhat technical and it has to be reviewed more fully
8 before we want to proceed with calling her.

9 THE COMMISSIONER: I see. All right. Well then
10 what about -- when would we deal with this e-mail that Mr.
11 McKinnon's prepared to look for?

12 MR. OLSON: If we want to take a minute or two
13 now to see if he can find a copy, and then I can proceed.

14 THE COMMISSIONER: Well we might -- so you think
15 we'll be through by one o'clock or so for today?

16 MR. OLSON: Yes. I only have a couple more
17 questions.

18 THE COMMISSIONER: Well, we might as well stay
19 and complete, if that's what your projection is, rather
20 than coming back for less than half an hour, so -- Mr.
21 McKinnon, you want 10 minutes to look for that?

22 MR. MCKINNON: With, with your permission I might
23 chat with the witness to make sure I'm looking for the
24 right thing, and it might take me five minutes or ten
25 minutes to see if it's in a disclosure.

1 THE COMMISSIONER: All right. We'll, we'll take
2 10 minutes if, if -- and get that clarified.

3

4 (BRIEF RECESS)

5

6 MR. MCKINNON: I couldn't find the document.
7 The, the witness will testify from her memory, and then I
8 will undertake to locate the document, and file it as an
9 exhibit if it's not already part of our disclosure. It
10 could be part of our disclosure, but as you know --

11 THE COMMISSIONER: You're aware there is such a
12 document; are you?

13 MR. MCKINNON: I vaguely recall reading it --

14 THE COMMISSIONER: Okay.

15 MR. MCKINNON: -- and the witness recalls reading
16 it so --

17 THE COMMISSIONER: Right.

18 MR. MCKINNON: -- we'll undertake to provide it.

19 THE COMMISSIONER: I think we'll proceed on that
20 basis.

21

22 BY MR. OLSON:

23 Q So in terms of the document we're referring to
24 you recall receiving an e-mail?

25 A That's correct.

1 Q From Mr. Schellenberg directing you what not to
2 share -- the, the report with anyone --

3 A Yes.

4 Q -- but program managers?

5 A My understanding was I was not to share the
6 report with anyone. I then contacted him to say I had to
7 -- in order to answer any recommendations I had to be able
8 to share the report with at least senior managers.

9 Q Was that typical for reports like this, that you
10 were instructed not to share with anyone?

11 A No, not normally.

12 Q Was that surprising to you at all?

13 A I had assumed because the inquiry had been called
14 that that's why they did not want the report shared.

15 Q Okay. And I appreciate that you believed or
16 understood that you couldn't share the contents, or the
17 reports themselves with the workers, but as a CEO were you
18 aware that many of the workers were still within the
19 system, working within the child welfare system?

20 A Within the entire child welfare system --

21 Q Right.

22 A -- not just Winnipeg?

23 Q Not just Winnipeg, within the system.

24 A Yes, I was aware that they would be elsewhere,
25 yes.

1 Q Okay. And some were still working within
2 Winnipeg; you were aware of that?

3 A Yes.

4 Q How, how would those workers, if they're
5 continuing to provide services, how would they -- in
6 continuing the practice the way they had, how would they
7 know there was anything perhaps wrong with what they were
8 doing, or inappropriate, or not up to standard, if they
9 weren't made aware of, of these, these criticisms?

10 A All I can say is the intention of the report was
11 not to look at individual workers, performance on them, it
12 was to look at service delivery as a whole.

13 Q I, I understand that being the intention, but you
14 actually had knowledge at that point of these issues, so
15 aside from the reports your having knowledge of these
16 issues didn't you feel you had an obligation to at least
17 make the workers aware of these issues, and to address
18 them?

19 A Again I was asked not to share the reports.

20 MR. OLSON: Those are my questions. Thank you
21 very much.

22 THE COMMISSIONER: Thank you, Mr. Olson. All
23 right. Mr. Gindin.

24 MR. GINDIN: Ms. MacDonald, my name is Jeff
25 Gindin. I appear for Kim Edwards and Steve Sinclair.

1 CROSS-EXAMINATION BY MR. GINDIN:

2 Q You spoke this morning about some of the things
3 you were trying to accomplish, and I think you mentioned
4 that at one point you had psychologists brought in to help
5 with doing family assessments; do you recall that?

6 A Yes, I do.

7 Q Now, did that include the issue of parental
8 capacity assessments?

9 A What I was referring to, as I was involved in
10 completing service purchase agreements, and it could be for
11 a variety of things, it could be parental assessment, or it
12 could be ongoing therapy with children, it could be any
13 number of things.

14 Q And do you recall whether -- or what exactly the
15 purpose was for bringing in psychologists; was it for
16 purposes of helping supervisors in some way?

17 A We did have a training session to help
18 supervisors, but really the service purchase agreements
19 were for them to provide individual therapy or assessments
20 to parents.

21 Q I see. Was this designed to assist the actual
22 workers in some fashion?

23 A Yes.

24 Q In terms of assessments that they may need done?

25 A Yes, they may have needed assessments done for

1 court purposes, and this would -- they would give this
2 portion -- the worker themselves wouldn't be doing the
3 assessment, they would have determined that a parental
4 assessment may be needed or therapy, and then there would
5 be a service purchase agreement drawn up, and agreed to by
6 the social worker and the therapist.

7 Q So your view was that issues like parental
8 capacity assessments, family assessments was something
9 better left for a psychologist, or was it that social
10 workers themselves might be able to do that?

11 A Definitely social workers can conduct those
12 themselves. This was for either court ordered purposes --

13 Q I see.

14 A -- or sometimes complex cases. It was not
15 necessary that we would have this kind of assessment on
16 every case.

17 Q You were also talking about core competency
18 training, and I think you said that the way things worked
19 out the training would often be carried out during the
20 course of a year perhaps, that is after the workers
21 actually started working?

22 A That's correct.

23 Q Sometimes maybe once during that year, sometimes
24 not until 12 months had passed by; correct?

25 A That's correct.

1 Q Was there some reason that wasn't done right at
2 the outset?

3 A I believe part of the issue was having enough
4 trainers.

5 Q Um-hum.

6 A And just the timing that the province would have
7 available for training for, for the workers, so whenever we
8 could get people into a module we would.

9 Q But I think you'll agree that it would have been
10 a good idea for the training to have taken place much
11 sooner than it did?

12 A Oh for sure. Um-hum.

13 Q And perhaps even more often than it did?

14 A That's correct.

15 Q You were asked some questions about auditing
16 files, and I take it when we're talking about auditing
17 files we're really talking about doing some review of a
18 file, having a look at it, seeing if things are handled
19 properly, what needs to be done, that kind of thing;
20 correct?

21 A Correct.

22 Q There was no real formal process for the auditing
23 of files; correct?

24 A That's correct.

25 Q It sounds like they were done completely at

1 random essentially from time to time?

2 A That's correct. I would have expected the
3 supervisors and the assistant program managers -- because
4 we did have a recording policy that stipulated certain
5 things at certain time lines that that would have been
6 followed.

7 Q Okay. Was there some record kept of the random
8 files that were audited?

9 A Yes, I believe so.

10 Q Okay. And I presume that would be done so that
11 the same file might not be audited several times while
12 other files may not be audited at all?

13 A That's right.

14 Q But with respect to how it came to be that a
15 particular file was audited that sounds like it's pretty
16 much a random process?

17 A I can't recall off the top of my head, but more
18 than likely it would have been just random, yes.

19 Q It appears as though you were not made aware of
20 anything to do with Phoenix Sinclair's files, they weren't
21 brought to your attention to be audited?

22 A That's correct.

23 Q And I guess that's just a matter of luck, just
24 didn't happen to be chosen for auditing; correct?

25 A Correct.

1 Q So which files are audited really is left to
2 chance in a way?

3 A Well it could have been the assistant program
4 managers pulling files, it could have been the supervisors
5 being asked to bring forward files, random would be just
6 going through CFSIS and picking, you know, every third
7 file.

8 Q Um-hum.

9 A Yes.

10 THE COMMISSIONER: You're saying there was no
11 audit of the Phoenix file?

12 THE WITNESS: Not that I'm aware of.

13

14 BY MR. GINDIN:

15 Q And the only way that could have been done would,
16 would be that either it's brought to your attention
17 specifically by a supervisor or, or an assistant program
18 manager, or by chance?

19 A That's correct.

20 Q And it appears as though none of that happened?

21 A No, it did not.

22 Q You were referred to the letter that was written
23 to Mr. Schellenberg, which eventually lead to the January,
24 '05 standards being put on line; correct?

25 A Correct.

1 Q Those particular standards, we're talking about
2 January of '05, were in place when the March, '05
3 involvement in the Phoenix Sinclair file that we've talked
4 about at some length had -- was taking place?

5 A Correct.

6 Q So the new standards were already in place by
7 March of '05; correct?

8 A That's correct.

9 Q And those are the standards that indicate clearly
10 that every child must be seen; correct?

11 A That's my understanding, yes.

12 Q In fact not only every child involved in an
13 investigation, but every child in the family?

14 A That's correct.

15 Q On this issue that was raised just a few minutes
16 ago, the fact that the workers involved in the Phoenix
17 Sinclair matter over the years were not made aware of the
18 reports, and, and the criticisms that were made, you're
19 saying that was as a result of instructions you received
20 not to do that?

21 A That's true.

22 Q Do you agree that it would have been good for
23 them and the system, and the issue of preventing further
24 tragedies that they were to know as soon as possible what
25 they may have done wrong?

1 A Again that was not the purpose of the reports,
2 but, yes, if there was a report about me in there I would
3 want to have knowledge of what was in it, yes.

4 Q There is, there is certainly benefit in knowing
5 as soon as possible what you may have done wrong, or could
6 do better?

7 A Correct.

8 Q Now, when you were instructed that those reports
9 should be kept confidential, and not shared with the
10 workers, did you voice any objection, did you argue against
11 that and say, well, wait a minute, maybe it's a good thing
12 that they know?

13 A No, I did not. I should just clarify that I did
14 say the reports had to be shared with the, the people that
15 were helping write the recommendations --

16 Q Um-hum. Right.

17 A -- the senior managers, yes.

18 Q And the senior managers are not the ones who were
19 on the front line doing the work?

20 A No.

21 Q And I think you said that the letter with respect
22 to that issue indicated that they were not to be shared
23 without written permission of someone, I can't recall who
24 it was, do you recall ...

25 A Yes, that, that -- the letter that we're

1 referring to is a standard letter though that comes out
2 with any reports.

3 Q Um-hum. Are you saying therefore that you didn't
4 pay much attention to it, or ...

5 A No, no. I'm, I'm just saying it wasn't any
6 different for, for this letter that came from the Director
7 of Child Welfare. It, it is a standard covering letter for
8 any death of a child.

9 Q Right. And I don't recall the letter, I don't
10 have it handy, but there was something in it about it can't
11 be shared without the written permission of -- who was it?

12 A The Director of Child Welfare, I believe, yes.

13 Q And is that something you had tried to obtain in
14 some fashion, that you try and get the written permission
15 so that these things could be shared?

16 A With regards to this case?

17 Q Yes.

18 A No, I did not because I was told not to share the
19 reports.

20 Q And you just simply accepted that and, and didn't
21 share them?

22 A I'm not sure I just accepted it. I think there
23 were discussions. Again I was told not to share the
24 reports.

25 Q You did in fact share the reports with I think

1 you said program managers?

2 A With the senior program managers Ellen Peel
3 (phonetic), who was a resource manager, and Rob Ragala
4 (phonetic).

5 Q And do you know whether the program managers you
6 shared the report with were entitled to share that with the
7 assistant program managers who worked under them?

8 A No, they did not.

9 Q Or the supervisors who worked under the assistant
10 program managers?

11 A No, they did not.

12 Q Or down to the workers who actually did the work?

13 A Right. There were no assistant -- well, I'm not
14 sure there were assistant program managers right at that
15 point in time, okay, but ...

16 Q But your --

17 A Could you repeat your question again, sir?

18 Q Your, your sharing of the reports was limited --

19 A Yes.

20 Q -- to the program managers?

21 A That's correct.

22 Q And you were not allowed to go beyond the various
23 levels that they were at the time, all the way down to the
24 workers themselves?

25 A That's correct.

1 Q Or even their supervisors?

2 A That's correct.

3 Q And I think you said, I assumed because an
4 inquiry was called was the reason why the reports shouldn't
5 be shared, and I'm not sure I understand the logic there.
6 Why would it be if an inquiry is called that those reports
7 particularly should now not be shared?

8 A That is just my assumption. What happened was
9 the people who were in the room that received a copy of the
10 reports -- the reports were numbered, we were able to read
11 the reports, the reports were then handed back. I had
12 assumed, because the inquiry was called, they did not want
13 the reports to get out at this point in time ahead of the
14 inquiry.

15 Q I see.

16 A The fact that the inquiry was called to actually
17 look into this case.

18 Q I see. And one of the reasons you gave for
19 perhaps why the confidentiality was that it wasn't the
20 intent of the reports to look at particular workers, but
21 more to look at the system?

22 A Systemic issues, yes.

23 Q And of course the system is comprised of all of
24 these workers doing their job on the front line?

25 A That's correct.

1 MR. GINDIN: Yeah. Those are my questions.
2 Thank you.

3 THE COMMISSIONER: Thank you, Mr. Gindin.
4 Anybody else before Mr. -- yes, Mr. Saxberg.

5 MR. SAXBERG: Thank you, Mr. Commissioner.

6 Good afternoon, Ms. MacDonald. My name is Kris
7 Saxberg, and I act for three of the child welfare
8 authorities, the General, the Northern, the Southern
9 authorities and ANCR, along with several witnesses in this
10 proceeding including Diva Faria.

11

12 CROSS-EXAMINATION BY MR. SAXBERG:

13 Q And I, I just want to see if I can take a shot at
14 getting some further clarification with respect to the
15 standards that were made available to workers during the
16 period of Phoenix Sinclair's file, and if we could start by
17 turning to page 19211.

18 Now, this is from CD number 987, and if you could
19 just scroll down the document to orientate the, the
20 witness, and if you could scroll to the top again.

21 It's dated January 17, 2000, and you'll see that
22 it's, it's to the executive directors -- the executive
23 director I suppose that should be, and program directors,
24 Winnipeg Child and Family Services, of which you would have
25 been one; correct?

1 A Correct.

2 Q And it indicates that further to the letter of
3 September, 1999, and I'll just stop there, that was a
4 letter that was enclosing the case management standards
5 from 1999 that you had looked at briefly, and then it goes
6 on to say:

7

8 "I'm sending you a revised
9 remnants package. This package
10 replaces the existing Program
11 Standards Manual effective
12 immediately."

13

14 Do you see that?

15 A Um-hum.

16 Q And my understanding is that the remnants package
17 was a modification of the program manual that was made and,
18 and then revised, and sent out as of January 17, 2000, and
19 that that's the document that program managers like
20 yourself were being advised comprise the standards
21 applicable; is that fair?

22 A It could be, yes.

23 Q And if you can scroll down slightly. Yes, thank
24 you.

25 The third paragraph indicates:

1

2

"The remnants package includes

3

additional sections relating to

4

services to families and foster

5

care not sent to you in September

6

1999, as well as revised adoption

7

standards. These standards will

8

remain in effect until they are

9

replaced by service provider and

10

administrative standards."

11

12

And I'll just stop there. And you're not aware

13

of any service provider, or administrative standards that

14

then replaced the document attached to this letter until

15

the new standards in 2005; correct?

16

A That's correct.

17

Q So this is, as I indicated, Commission disclosure

18

number 987, so when you were referring to the 1988 policy

19

manual being applicable it's more accurate to say that the

20

remnants package, deriving from those 1988 standards, is

21

what you were referring to; correct?

22

A That's, that's right.

23

MR. SAXBERG: And so just as a housekeeping note,

24

Mr. Commissioner, we'd probably want to deem that all of

25

the pages in this Commission disclosure have been referred

1 to, so they can be referred to in closing argument, as this
2 -- these are the standards that she's saying were
3 applicable until 2005.

4 THE COMMISSIONER: What's, what's the position of
5 commission counsel on that?

6 MR. OLSON: I don't think there's any issue with
7 that, Mr. Commissioner.

8 THE COMMISSIONER: All right.

9

10 BY MR. SAXBERG:

11 Q Now, with respect to the 2005 standards that came
12 into place in January of 2005; that's your understanding?

13 A That's correct.

14 Q If we could turn to page 36157, and just stop
15 right there to orientate ourselves. This is from
16 Commission disclosure 1760, and it's a letter from you on
17 behalf of Services to Children and Families to Jay Rodgers.

18 You recall this memorandum?

19 A Yes, I do.

20 Q And at the time you were a program manager;
21 correct?

22 A Correct.

23 Q And, and you were acting -- the assistant program
24 managers under you related to various programs, primarily
25 Family Services?

1 A That's correct.

2 Q And Jay Rodgers was the, the CEO at the time?

3 A Yes.

4 Q And if we scroll down to the last page, right
5 there, under "Other General Comments" you note with respect
6 to the 2005 standards, quote:

7

8 "Standards are too high - not
9 doable; lower caseloads required
10 in order to meet standards."

11

12 Now you were, you were communicating information
13 that you'd, that you'd heard from workers under you?

14 A From -- yes, through, through their supervisors,
15 yes, I gathered this information from them.

16 Q And was that your view as well?

17 A Yes, it was.

18 Q And it's fair to say that there's a fairly
19 lengthy list of concerns about the, the standards that were
20 implemented January, 2005 that you were communicating to
21 Mr. Rodgers; correct?

22 A That's correct.

23 Q And so one of the standards, or some of the
24 standards that had changed related to Family Services -- in
25 relation to Family Services work, as opposed to Intake,

1 put in place some fairly tight timelines for accomplishing
2 certain tasks; correct?

3 A That's correct.

4 Q And you had a concern with some of those
5 timelines being appropriate and achievable, given the
6 resources available to Winnipeg CFS; correct?

7 A That's correct.

8 Q So you had indicated in your evidence an opinion,
9 it was a very general opinion, that's my characterization
10 of it, that standards and -- that standards and confusion
11 related to those standards didn't affect or have anything
12 to do with the deficiencies in service in the Phoenix
13 Sinclair case?

14 A That's correct.

15 Q But in light of your comment here, and your
16 belief that the standards in 2005 were such that in many
17 cases they were not doable, is that not a direct
18 correlation at least with respect to the work that was done
19 in 2005, to whether or not standards may have impacted --
20 or the, the inability to achieve standards is a factor of
21 workload?

22 MR. SAXBERG: That was a bad question.

23 MR. MCKINNON: Yeah, I was going to say if you
24 understand that question you're doing better than me.
25 Maybe, maybe, Mr. Saxberg can clarify what he's asking the

1 witness.

2 MR. SAXBERG: Yeah, thank you. I don't think I
3 even understood that question. I --

4 THE COMMISSIONER: Do, do we consider it
5 withdrawn?

6 MR. SAXBERG: Yes, please. You might even want
7 to strike it from the record.

8

9 BY MR. SAXBERG:

10 Q Simply noting that -- you're acknowledging at
11 least in 2005 that it's, that it's possible that workers
12 cannot achieve standards because of workload?

13 A They can't achieve all of the standards because
14 of workload, yes.

15 Q Okay. And now you made a comment, and you might,
16 you might have just overstated or misstated, but you made a
17 comment that standards were best practice, and, and my
18 understanding is standards are the, the minimum written
19 expectations of the government and the agency for workers
20 to comply with; is that correct?

21 A That's correct.

22 Q And best practice rises above that?

23 A Yes.

24 Q And best practice isn't often written down
25 because you can't foresee every fact situation to then be

1 able to provide a code, and tell workers what to do; is
2 that fair?

3 A That's fair.

4 Q But best practice is going to exceed the minimal
5 standards?

6 A Yes. They would result in good outcomes for
7 children.

8 Q And in this case I think everybody that's
9 testified has agreed best practice would have been to have
10 seen Phoenix in March of 2005 before CRU Intake closed its
11 file, and you agree with that?

12 A Yes, the child should have been seen.

13 Q And -- but in terms of the rules or the standards
14 that were applicable at the time, I want to refer you to
15 the Intake manual, which is page 1963.

16 THE COMMISSIONER: Well just a minute. Before
17 you leave this letter I have a question. If you're going
18 to go to another document I might as well ask it now.

19 These were suggestions or concerns that you sent
20 in before the 2005 standards were put in final form; is
21 that correct?

22 THE WITNESS: Pardon me, sir?

23 THE COMMISSIONER: This, this document that --

24 THE WITNESS: Yeah -- oh, yes.

25 THE COMMISSIONER: This -- these were proposals

1 or suggestions that you were making before the 2005
2 standards were finalized?

3 THE WITNESS: That's correct. My understanding
4 is these had appeared on line and when we reviewed them
5 this was the feedback that we had given to Jay Rodgers.

6 THE COMMISSIONER: Yeah. My question is were
7 your concerns taken into account in the finalization and
8 publication of the 2005 standards?

9 THE WITNESS: Mr. Rodgers had indicated he had
10 sent it to the province, but, no, I don't think they were
11 addressed in the final version.

12 MR. SAXBERG: And if I could ask the clerk just
13 to flip to the top of the document again, and stop right
14 there.

15

16 BY MR. SAXBERG:

17 Q Mr. Commissioner, the, the date here is after
18 these standards came into effect; correct?

19 A That's correct.

20 Q So you're communicating these concerns after the,
21 the standards had been finalized and implemented?

22 THE COMMISSIONER: Oh, I thought you were giving
23 feedback to, to feed into them.

24 THE WITNESS: No, these had just appeared on
25 line, and when they did we put together some feedback

1 indicating our concerns and it was sent up to the province,
2 and my understanding is -- I don't believe they were taken
3 into consideration.

4 THE COMMISSIONER: I guess my question is then
5 did you get a response to this document?

6 THE WITNESS: No, I did not get a response.

7 THE COMMISSIONER: All right. Thank you, Mr.
8 Saxberg.

9

10 BY MR. SAXBERG:

11 Q If we could turn to page 44741. These are CRU
12 statistics and we'll just stay on that document.

13 You were at the top of the pecking order until
14 2003 with respect to CRU, as far as program managers go;
15 correct?

16 A That's correct.

17 Q And so you would have been aware of the -- of the
18 CRU statistics and, and of the volume of work that goes
19 through CRU, gets moved to Intake and then --

20 A That's correct.

21 Q And here at CRU this document indicates that for
22 the year 2004, and the Commissioner has heard this evidence
23 before, that of the approximate 7000 files that were opened
24 at CRU, and I get that from looking at the bottom under the
25 heading "Total", at the bottom right-hand corner, and I'm

1 adding open -- the heading "Subtotal Open File & Transfer
2 to Service Unit" to the open and closed file, and it's
3 approximately 7000?

4 A Yes.

5 Q And you'll see that 1,875 files are dealt with at
6 CRU and dealt with on a very short term basis, and then
7 closed; do you see that?

8 A Yes.

9 Q So about two out of every seven files that CRU is
10 dealing with get -- will do some short term service, and
11 then closed?

12 A That's correct.

13 Q And so you were familiar with that?

14 A Yes.

15 Q And the two last intakes on the Phoenix Sinclair
16 file in December of 2004 and March of 2005 would have fit
17 into that category of short term service that -- where the
18 file was then closed?

19 A Correct.

20 Q So if we could then turn to the Intake Program
21 Manual which is at 1963, and you were asked questions under
22 the heading "Recording Outline, Closing CRU" and the three
23 -- yeah, A to C there, do you see that?

24 A Yes, I do.

25 Q So if you could scroll down just a little bit

1 more to fit in all of item C. Thank you.

2 Now, is it fair to say that in terms of your
3 expectations about what workers working at CRU would be
4 doing with respect to files your expectations, as the
5 program manager, would have been communicated through this
6 document?

7 A That's correct.

8 Q In other words the workers have access to the
9 Intake Policy Manual, so they know what it is that CFS
10 expects of them in terms of the work that they're doing?

11 A Correct.

12 Q And in this case, and under this heading, we're
13 dealing with when CRU can close a file; do you see that?

14 A Yes.

15 Q And in item B it's saying that generally speaking
16 if a matter can be resolved, and the case closed, with
17 limited further intervention i.e. a few phone calls, or a
18 field, the case can be kept by CRU beyond 48 hours to
19 facilitate the case disposal; do you see that?

20 A That's correct.

21 Q And so in terms of expectations before a file is
22 closed you would agree that that -- there is no expectation
23 that in every case where a file's been closed at CRU all of
24 the children need to be seen?

25 THE COMMISSIONER: Wouldn't it depend upon the

1 nature of the complaint?

2 MR. SAXBERG: Yes -- well I'm saying that there's
3 no strict rule that says that in every single case, before
4 you close a file at CRU, all of the children or the child
5 that's the subject of the complaint has to be seen.

6 THE COMMISSIONER: All right.

7

8 BY MR. SAXBERG:

9 Q And do you agree with that?

10 A If you're just making a general statement, yes,
11 but --

12 Q Right. And, and maybe I'll provide some
13 context --

14 THE COMMISSIONER: Just a minute. Let her
15 finish, let her finish.

16 THE WITNESS: And as I said if you're making a
17 general statement, yes, but if somebody called and said
18 that a child was at risk then I do believe the child needs
19 to be seen.

20

21 BY MR. SAXBERG:

22 Q And a rule like that is there any reason why the
23 statement that you just made there, or an express rule to
24 that effect, wasn't included in the policy manual?

25 A I would, I would think something like that you

1 wouldn't have to include it. If a child was at risk, or a
2 child was in harm's way you would automatically go out and
3 see that child. If the child was the subject of the
4 referral then I would expect that the child would be seen.

5 Q Okay. Well, just to make sure that we're, we're
6 on the same -- at the same altitude here. Let's put this
7 in the context of the Phoenix Sinclair case because that's
8 what I'm talking about in terms of the facts that the
9 workers had at the time, and whether there was a rule
10 expressly requiring them to see Phoenix, as opposed to it
11 being the best practice to do that.

12 So I'll start with the December intake, okay, and
13 you're familiar with --

14 A Okay.

15 THE COMMISSIONER: Just a minute. We thought we
16 were going to be a short period of time, and I want to know
17 if the witness, who's been on the stand a long time, wants
18 a lunch break, or are you content to carry on because --

19 THE WITNESS: No, sir, I'm content to carry on.
20 Thank you.

21 THE COMMISSIONER: All right. But if you need a
22 break you tell me.

23 THE WITNESS: Thank you.

24

25

1 BY MR. SAXBERG:

2 Q So with respect to the December intake the
3 evidence is that there were no new child protection
4 concerns that were presented to the CRU workers dealing
5 with the file, that the issue related to Samantha Kematch
6 was having another child, and the social worker at the
7 hospital noted that there was a lengthy history, so that's
8 why the matter was referred; correct?

9 A Correct.

10 Q Okay. So in that context, in the context where
11 there are no new child protection concerns being raised,
12 and also in the December, 2004, intake wherein a reliable
13 third party or collateral was used to assess the safety of
14 the children, or was relied on, in that situation you agree
15 with me that the Intake Program Manual is not requiring --

16 MR. MCKINNON: I'm rising to object to that
17 question because it was phrased that a reliable third party
18 was relied upon to see the children, and I think the
19 evidence is that that third party doesn't know if she saw
20 both children, or maybe -- it was stronger than that. I, I
21 don't want to go too far, but I don't think there's
22 evidence that that reliable third party, and no one is
23 questioning the reliability, but I don't think the evidence
24 was that that witness saw both children.

25 THE COMMISSIONER: The, the reliable third party

1 being nurse Wu?

2 MR. MCKINNON: That's correct.

3 THE COMMISSIONER: Well, if you -- if, if you
4 think she went that far, Mr. Saxberg, we can, we can get
5 the record checked, but I'm inclined to agree with Mr.
6 McKinnon --

7 MR. SAXBERG: Well --

8 THE COMMISSIONER: -- but I, I think you're
9 entitled to a record check.

10 MR. SAXBERG: The, the evidence, as I recall it,
11 is that Ms. Wu had been to the home, and, and in terms of
12 whether there was any discussion between Ms. Wu and Shelly
13 Willox about who was there at the home there was no
14 evidence that there was any discussion on that, on that
15 matter so -- it wasn't talked about between CRU and between
16 Ms. Wu, but what I was indicating was that CRU, Shelly
17 Willox, relied on Ms. Wu's communication that she had no
18 concerns, after having been out to the home. That was the
19 evidence.

20 THE COMMISSIONER: All right. So, so rephrase
21 your question, and then if Mr. McKinnon objects to it when
22 you've laid that base then I'll hear him.

23

24 BY MR. SAXBERG:

25 Q Firstly, you'll acknowledge that at CRU files

1 could be closed without a child specifically being seen by
2 a CRU worker, where there was information from a
3 collateral?

4 A Correct.

5 Q Right. And, and in fact the current standards
6 would provide for that as well, or if you don't know you --
7 that's fine?

8 A I, I don't recall.

9 Q Okay. And so in terms of compliance with the
10 minimum practices in the December, 2004, intervention by
11 CRU you're not in your evidence suggesting that there was
12 any standard breached, or that there was a breach of the
13 Intake Policy Manual at that time; are you?

14 A In December?

15 Q December.

16 A That's correct.

17 Q And did I understand you to say that the
18 standards that were in place in 2005 required -- made a
19 change to the client contact at CRU, or at Intake
20 generally, that required face to face contact in every
21 single investigation?

22 A I can't recall.

23 Q Okay. And my information, and I think it's, it's
24 a notorious point that, that isn't contested by anyone in
25 this proceeding, is that the change to the standards was

1 made subsequent to the Phoenix Sinclair reviews coming out
2 wherein the standard was changed, and now in every single
3 child protection concern investigation, the children -- all
4 the children must be seen? That that was a standard that
5 wasn't in place in 2005 and it came later; do you agree
6 with that?

7 A That's my understanding.

8 Q Okay. And so if we're just looking again at the
9 Intake Program Manual and these sections relating to when a
10 file can be closed at CRU, what you're saying is that if
11 the nature of the referral is such that it's indicating a
12 risk to children the children should be seen before the
13 file's closed?

14 A That's correct.

15 Q Right. And would you agree with me that there
16 are certain referrals where -- for instance, you gave the
17 example of a referral of a child that's 11 years old
18 playing outside unsupervised, would be something that would
19 be treated quite differently than the other example you
20 gave about a child with a bruise; correct?

21 A That's correct.

22 Q And those are easy distinctions to make, those
23 are -- that's black and white in terms of types of
24 referrals; correct?

25 A Correct.

1 Q So in the first that type of referral someone may
2 even be referring to the situation as abuse, there's a
3 child outside without any supervision, and I think it's
4 abuse, those kind of referrals are often made by -- to CFS
5 and CFS has to determine what they mean; correct?

6 A I wouldn't refer to that as abuse.

7 Q No, no, I'm saying that the caller can
8 sometimes --

9 A Yes.

10 Q -- sometimes refer to it as abuse --

11 A Yes.

12 Q -- but it isn't abuse --

13 A No.

14 Q -- in accordance with Winnipeg CFS; correct?

15 A That's correct.

16 Q And in this Phoenix Sinclair case we know that
17 the word "abuse" was used without any specifics or any
18 indication of what the caller meant by the word "abuse",
19 and you're aware of that?

20 A Yes.

21 Q The specific information was that Phoenix was
22 being locked in a room; correct?

23 A Correct.

24 Q So would you agree with me that the workers that
25 were dealing with that matter had a discretionary call with

1 respect to how far their investigation would go in order to
2 determine whether there are child protection concerns, and
3 that there was no specific standard that required them to
4 see Phoenix on that referral?

5 A The child was the subject of the referral, this
6 child should have been seen.

7 Q And I know that that's your opinion. The
8 question was more specific about whether there was a
9 specific rule in place in the Intake Manual, for instance;
10 was there?

11 A Not that I'm aware of.

12 Q And was there a specific standard?

13 A I'm not quite sure. I, I mean I do think the
14 2005 standards do say that the children have to be seen.

15 THE COMMISSIONER: You're saying that a social
16 worker with some experience, and some common sense, would
17 know that?

18 THE WITNESS: That's right.

19

20 BY MR. SAXBERG:

21 Q But in the example that you had given about a
22 child 10 or 11 playing outside without supervision in that
23 case you're not suggesting that there was -- common sense
24 would have dictated that that child needed to be seen?

25 A I couldn't get the last part of your question,

1 sorry.

2 Q That common sense would dictate that that child
3 needed to be seen in the referral example that you've
4 given.

5 A I agree with you.

6 Q Okay. You're, you're agreeing with that --

7 A Yeah.

8 Q -- that in that -- when CRU got the referral that
9 you've given --

10 A Yes, yes.

11 Q -- us as a hypothetical, they would not have
12 needed to see the child?

13 A That's correct.

14 Q And CRU would often, you'll agree, get referrals
15 for instance that there's no food in the home, for
16 instance, and, and they would go out on a field of that
17 nature, and would that -- and that would be a situation
18 that the rules aren't requiring them to make sure they've
19 seen every child before they resolve that matter, if they
20 determine there's no risk -- no immediate safety risk and
21 no child protection concerns; correct?

22 A Correct.

23 Q Now, in terms of, in terms of sharing the reports
24 that you received when you were the CEO of Winnipeg CFS in
25 2006 you've indicated that you shared it with two of your

1 program managers?

2 A That's correct.

3 Q And -- but they were -- at that point in time
4 they were Family Services, and then Resources, I believe?

5 A Yes.

6 Q And Intake was part of JIRU at that point in
7 time; correct?

8 A Correct.

9 Q Did, did you review the reports with Patrick
10 Harrison?

11 A My understanding is the reports were reviewed
12 with him, yes.

13 Q Okay. And in terms of any decision on whether
14 discipline was warranted, based on the actions of any of
15 the workers, with respect to Intake the function that --
16 which was now --

17 A Um-hum.

18 Q -- JIRU at the time it would have been up to Mr.
19 Harrison to make that determination; correct?

20 A That's correct.

21 Q And so -- and you're not aware of any discipline
22 being brought to bear on any of the workers as a result of
23 those reports?

24 A No, I'm not.

25 Q Just one other small item. We heard evidence

1 that in 2004 Mr. Berg was provided with information from
2 the General Authority, Sandie Stoker in particular,
3 relating to applicable standards at the time. You were not
4 involved with Intake in any capacity at all in 2004 and
5 2005?

6 A That's correct.

7 Q So you don't know specifically, or you can't --
8 you're in no position to contest anything that Mr. Berg
9 said in terms of what materials he was providing to his
10 supervisors in terms of giving them direction on what
11 standards they were to follow?

12 A I wouldn't be aware of anything Mr. Berg was
13 doing.

14 Q And his evidence, and the evidence of Ms. Faria,
15 was that they were -- included in the materials that they
16 had available to them were the 1999 case management
17 standards and that they were using them. There would be
18 nothing wrong with them using those standards; right?

19 A That's right.

20 Q And, and you'd indicated that the province had
21 said if you find them helpful go ahead and use them;
22 correct?

23 A Correct.

24 MR. SAXBERG: Okay. Those are my questions.

25 THE COMMISSIONER: Thank you, Mr. Saxberg.

1 Anybody else before Mr. McKinnon? Mr. Ray.

2 Mr. Ray, are you going to be long?

3 MR. RAY: I hope not, Mr. Commissioner. I
4 expect --

5 THE COMMISSIONER: Well I mean if you're going to
6 be as long as Mr. Saxberg, which you're quite entitled to
7 be, we're going to take an adjournment.

8 MR. RAY: Okay. I, I hope I will not be. I
9 expect to be maybe 10 minutes at the maximum.

10 THE COMMISSIONER: All right. I don't want to
11 cut you short, but, but if it was going to be --

12 MR. RAY: And if --

13 THE COMMISSIONER: -- lengthy I, I think in
14 fairness we should be adjourning.

15 MR. RAY: Understood, and if you find that --

16 THE COMMISSIONER: Yeah.

17 MR. RAY: -- we're going on --

18 THE COMMISSIONER: All right, all right.

19 MR. RAY: -- Mr. Commissioner, please feel free
20 to interrupt, and advise me and we'll take a break.

21 THE COMMISSIONER: Right.

22

23 CROSS-EXAMINATION BY MR. RAY:

24 Q Good morning, Ms. MacDonald. My name is Trevor
25 Ray. I act for the, the MGEU, I act for as well a number

1 of social workers that were involved in this particular
2 case. I just have a few questions for you.

3 And I want to start with the topic of, of
4 workload, and we've heard a great deal of evidence from
5 social workers, from supervisors, from assistant program
6 managers, from program managers, and lastly from two CEOs,
7 and from yourself, all, all testifying that workload
8 essentially -- it has been an issue as far as they could
9 recall, was an issue during the timeframe of this
10 particular case, and continues to be an issue. I assume
11 you would agree with, with that --

12 A Yes, I do.

13 Q -- those acknowledgments? And all of them, in
14 addition, agreed that workload can impede a social worker's
15 ability to achieve what's being referenced as best
16 practice; I assume you would agree with that as well?

17 A That's true.

18 Q And are you familiar with Associate Professor
19 Alexandra Wright? She, she drafted a report that was
20 attached to The, The Strength and the Commitment Report,
21 are you familiar with that report?

22 A Yes, I am.

23 Q Are you familiar with the, the recording that she
24 attached to the back of that report?

25 Probably -- I know it was in 2006, but ...

1 A The report based on best practice; is that what
2 it's titled?

3 Q I'll just direct your, your attention to some,
4 some of the provisions of the report, and she identified a
5 number of factors that impede best, best practice, and --
6 or good practice, and what she said was that in order to
7 meet best practice social workers needed reduced caseload
8 sizes; you'd agree with that?

9 A Yes, I would.

10 Q And, and more fiscal resources to meet the
11 legislative mandate; you'd agree with that?

12 A Yes.

13 THE COMMISSIONER: Speak, speak up.

14 MR. RAY: I'm sorry. More, more fiscal resources
15 to meet the legislative mandate, and Mr. Commissioner, I'm
16 -- just for the record, and perhaps for your benefit, I'm
17 referring to page number 346, it's at Commission disclosure
18 3. There's no need to go there, I'll just read it to the
19 witness, and -- but for your notes, Mr. Commissioner.

20 THE COMMISSIONER: I'm familiar with the report.

21

22 BY MR. RAY:

23 Q Visible supports -- excuse me. Sorry, I withdraw
24 that.

25 Comprehensive job specific training by employer

1 for all new staff; do you agree with that?

2 A Yes, I do.

3 Q Ongoing opportunities for professional
4 development provided by the employer; do you agree with
5 that?

6 A Yes, I do.

7 Q A view of child protection that enables everyone
8 to work together; you'd agree with that?

9 A Yes.

10 Q Accessible clinical supervision; you'd agree --

11 A Yes.

12 Q Appropriate workloads; you agree?

13 A Agree.

14 Q Adequate, appropriate and accessible resources;
15 you agree with that?

16 A Yes.

17 Q Social work specialization in child protection
18 job training and continuing education; you'd agree with
19 that?

20 A Yes.

21 Q And a sense of pride in their work and positive
22 public profile; you'd agree with that?

23 A Yes.

24 Q We, we heard yesterday from Mr. Rodgers, and
25 we've heard from various witnesses that heavy workloads and

1 heavy caseloads in particular could impact certain duties
2 performed by social workers, certain key duties in fact,
3 and they indicated that such duties like note taking, and
4 doing recordings in a detailed and thorough manner could be
5 impacted by high caseloads; you'd agree with that?

6 A Yes.

7 Q The ability to see children as frequently as
8 would be required by standards could be impacted by high
9 caseloads and high workloads; you'd agree with that?

10 A I think seeing, seeing children should be
11 prioritized.

12 Q Okay. We've heard evidence that due to large
13 Family Service Workers' caseloads in particular, and due to
14 the number of caseloads -- or cases they were carrying, and
15 the number of children within those cases, that it was
16 extremely difficult for Family Services workers to see
17 every child within their caseload once per month as a
18 result of those caseloads; would you agree that that would
19 be an impediment?

20 A Yes.

21 Q You'd agree that a worker's ability to conduct a
22 thorough review of a file history would be impeded by high
23 caseloads and high workloads?

24 A To do it on every case, yes.

25 Q Yes. I assume you would agree as well that

1 social work involves a high degree of judgment that's
2 exercised by social workers?

3 A Yes.

4 Q And you'd agree with me that judgment can be
5 impacted by high caseloads and high workloads?

6 A Yes.

7 Q And that could lead to errors in case management?

8 A Yes.

9 Q Ms. Trigg testified last week, and her evidence
10 was that she was aware of workload issues at the time of
11 her involvement, but that she was severely -- I don't know
12 if she used the word "severely", I'll just correct that,
13 she was -- felt constrained by government budgeting in
14 terms of having the ability to addresses those, those
15 workload demands by adding social workers. Would you agree
16 that that's a fair characterization of your time spent as
17 one of the leaders in the organization?

18 A Yes, although in my time as CEO we did get
19 additional resources.

20 Q Okay. And you're aware, of course, that since
21 Phoenix's death that a significant amount of money has been
22 poured into the child welfare system, and much of it
23 directed at improving caseloads and workloads for workers?

24 A Yes.

25 Q And we heard evidence from Mr. Rodgers yesterday

1 that notwithstanding that, that funding allocation for
2 workload that caseloads and workloads continued to be high,
3 and, and continued to be problematic.

4 A Yes.

5 Q Now, I, I just want to clarify part of your
6 evidence. I think you gave evidence that by about 2006,
7 2007 you felt that there was some improvements to workload
8 demands; was that your, your evidence? Perhaps you're just
9 not aware of the timeframe.

10 A I think what I meant to say is there was
11 improvements in staff morale 2006 to -- more so into 2007,
12 and that we had begun to stabilize as an agency after the
13 many changes that had taken place.

14 Q Okay. So I, I wanted to clarify it because my
15 understanding is in roughly July of 2006 you co-authored a
16 memo that raised concerns about low morale and high
17 workloads?

18 A That's correct.

19 Q And that, that was authored at that time because
20 of ongoing concerns that existed at that time due to --
21 about low morale and high workloads; is that --

22 A That's correct.

23 Q We've heard a lot of evidence about standards,
24 and standards training, and we heard evidence from Mr.
25 Rodgers yesterday that standards training for social

1 workers did not start to occur until approximately 2008,
2 2009; was that your correct understanding?

3 A Yes, that's correct.

4 Q And you would agree with me, I assume, that
5 standards are one of the key ways or key directives to
6 social workers that gives them insight in terms of how to
7 do their job on a day to day basis, and --

8 A Yes.

9 Q -- the types of things they're supposed to
10 perform?

11 A Yes.

12 Q And you'd agree with me that it would be best, in
13 a perfect world, to have provided social workers training
14 on standards up front --

15 A Yes.

16 Q -- as, as early as possible?

17 A Correct.

18 Q Mr. Rodgers also testified that since
19 approximately 2008, 2009 the workers employed within the
20 General Authority receive annual standards training, and in
21 fact receive it as much as twice per year; are you aware of
22 that?

23 A Yes, I am.

24 Q And you'd agree with me that it underscores the
25 importance of being trained on standards and, and the

1 effect it could have on a social worker's ability to
2 perform their job?

3 A Yes.

4 Q I just wanted to clarify something you said about
5 the standards and the difficulty of implementing them. I
6 think I understood your -- part of your evidence to be that
7 the standards were not doable because -- at the time they
8 were drafted because of the workload demands being too
9 high, that people simply would not be able to meet the
10 standards as drafted; is that my understanding of your, of
11 your evidence?

12 A That's correct.

13 Q And do you know whether or not to date a workload
14 measurement tool has assessed the, the current standards as
15 of today?

16 A No, they have not.

17 Q I, I thought that was your evidence, but I didn't
18 understand.

19 A No.

20 Q Thank you. I just have a couple more questions,
21 Mr. Commissioner.

22 Do you agree that workload and caseload levels
23 would have impacted how busy the supervisors were in
24 supervising their staff?

25 A Yes.

1 Q And would you agree that that could have impacted
2 the ability of supervisors to train social workers?

3 A Yes.

4 MR. RAY: Thank you, Mr. Commissioner. Thank
5 you, Ms. MacDonald. Those are my questions.

6 THE COMMISSIONER: Thank you, Mr. Ray. All
7 right. I take it there's no one else before Mr. McKinnon.

8 MR. MCKINNON: Thank you, Mr. Commissioner. For
9 the record it's Gordon McKinnon speaking. I'm the lawyer
10 for the Department and Winnipeg CFS.

11

12 CROSS-EXAMINATION BY MR. MCKINNON:

13 Q I just wanted to clarify a couple of points with
14 you, Ms. MacDonald. I'll start with the most recent which
15 was -- the questions being asked by Mr. Ray, and you made
16 the comment that during your time as CEO you did get
17 additional resources and my understanding is that it was as
18 a result of some of the advocacy that you undertook to
19 government to request additional resources?

20 A That's correct.

21 Q And that advocacy included the July 6th memo,
22 which you coauthored, which Mr. Ray referred you to, where
23 you talked about low morale and high case -- high workload
24 and high caseload, that was part of your advocacy which
25 resulted in more resources?

1 A That's correct.

2 Q And so you were successful then when you brought
3 this to the attention of government in getting some more
4 resources?

5 A Very much so.

6 Q And I want to put that in context because we're
7 talking here about July of 2006, and I think we heard about
8 this from Mr. Berg as well, the particular issue that
9 developed in 2006 was something related to what has been
10 referred to as the resource transfer tables; is that what
11 was driving a particular problem in 2006?

12 This, this was to do with the fact that after
13 devolution Winnipeg --

14 A Yes.

15 Q -- CFS was getting more aboriginal families than
16 they had anticipated in their modeling.

17 A That's correct.

18 Q And so a problem developed in 2006 that had to be
19 addressed?

20 A That's correct.

21 Q And that's what you were writing about, and Mr.
22 Berg was writing about, in the memos which Mr. Ray referred
23 to, and which you agreed you had written?

24 A That's correct.

25 MR. MCKINNON: Okay. Thank you.

1 THE COMMISSIONER: Is that the July, 2006 letter?

2 MR. MCKINNON: That's the July, 2006 memorandum
3 from this witness to government --

4 THE COMMISSIONER: All right.

5 MR. MCKINNON: -- which talks about low morale,
6 and problems that had -- that she had witnessed and, and
7 attempting to rectify in 2006.

8 THE COMMISSIONER: I understand. Then you made
9 reference to resource transfer tables.

10 MR. MCKINNON: She, she balked a little bit at
11 that one. That's -- it's, it's a technical issue, Mr.
12 Commissioner.

13 THE COMMISSIONER: I didn't follow it, but if, if
14 she balked, and you're not going anywhere with it we'll
15 leave it.

16 MR. MCKINNON: Well, I was -- I think she
17 answered it without getting into the technicalities, which
18 is probably preferable, and, and the answer was that it was
19 a problem that developed out of the unexpected number of
20 aboriginal families that chose Winnipeg CFS after
21 devolution.

22 THE WITNESS: That's correct.

23 MR. MCKINNON: Thank you. Only one other --

24 THE COMMISSIONER: But I don't know the details
25 about that, and maybe I don't have to, but --

1 MR. MCKINNON: I don't think you do, Mr.
2 Commissioner.

3 THE COMMISSIONER: All right.

4 MR. MCKINNON: I think -- the point I'm trying to
5 make is that it, it was a discreet issue that arose in
6 2006.

7

8 BY MR. MCKINNON:

9 Q And I just have one other question for
10 clarification. You very briefly, and I believe this was in
11 response to a question from Mr. Olson, you very briefly
12 talked about what you did with respect to the file, the
13 Phoenix Sinclair case files, which would be the Samantha
14 Kematch protection file, the Steven Sinclair protection
15 file, and the Phoenix Sinclair child in care file, and
16 according to my notes you say you called for the file, and
17 then you set CFSIS to confidential, and I'm just going to
18 ask you to elaborate a little bit upon that in terms of
19 what you did to attempt to protect and preserve the file so
20 that it would be available for reviewers.

21 A Um-hum.

22 Q What, what actually happened to the file?

23 A I would have called for the files, and, and -- so
24 I would have had my executive assistant protect the files
25 by marking "confidential" so no one could have access to

1 them. Also my recollection is that Andy Koster came --

2 Q Just before you get to that. And how was it kept
3 so that -- was it kept in an open room, or was it locked
4 up?

5 A Oh, okay. The, the files were sent to our
6 office, and they were locked in my executive assistant's
7 office in a file drawer.

8 Q Okay. And then go on in terms of what you were
9 saying about Mr. Koster.

10 A And, and my understanding is that Sandy Stoker,
11 from Intake, did also come to our office to meet with Andy
12 Koster. We met with him in the boardroom, we gave him the
13 original files, so that he could look through the original
14 files, and then my understanding is that we made copies for
15 him at that point in time. The files were then taken back
16 and locked in my executive assistant's office.

17 Q And, and those were all steps that you took to
18 try to preserve the integrity of these files?

19 A That's correct.

20 MR. MCKINNON: Thank you. Those are my
21 questions. Thank you.

22 THE COMMISSIONER: Thank you, Mr. McKinnon. Mr.
23 Olson.

24

25

1 RE-EXAMINATION BY MR. OLSON:

2 Q Mr. Saxberg asked you if there was a specific
3 requirement or standard with respect to how often children
4 should be seen in the program, and -- you recall that?

5 A Yes.

6 Q I want to put in front of you the program manual,
7 page 19628. This would be the program description?

8 A That's correct.

9 Q And this describes what CRU's role is?

10 A Yes.

11 Q And it talks about CRU conducting an
12 investigation; right?

13 A Yes.

14 Q That CRU's function is to investigate?

15 A That's right.

16 Q When you look under the case management decisions
17 that CRU and AHU would include the second bullet point
18 there it says:

19

20 "Are the children safe or in need
21 of protection?"

22

23 Would that be the primary consideration for a CRU
24 worker?

25 A Yes.

1 Q And that's reinforced throughout the program
2 manual; isn't it?

3 A Yes, it is.

4 Q So when it comes to whether or not it's important
5 to see a child where there's -- we'll call it a non-
6 specific abuse allegation, such as in this case, does the
7 manual speak to that as far as -- is there a standard to
8 see the child?

9 A Yes. Asking if the child in question is safe or
10 in need of protection.

11 Q I think you said before, and you'll correct me if
12 I'm wrong, but in order to determine if the child is safe
13 you have to see the child?

14 A That's right.

15 Q Now, I don't recall if it was Mr. Saxberg or Mr.
16 Ray, but they asked you some questions about this being a
17 discretionary decision whether or not to see Phoenix in
18 this case.

19 A That's right.

20 Q Do you agree that it was a discretionary decision
21 here?

22 A No, it was not.

23 Q And that's, I take it, because there was a
24 lengthy history with the mother, there was a new baby,
25 abuse concerns, those were all the things that would play

1 into whether or not there was any discretion?

2 A And the vulnerable age of the child.

3 Q The vulnerable age of the child.

4 THE COMMISSIONER: Are you talking about March of
5 2005?

6 MR. OLSON: Yes. I'm sorry, that's in March,
7 2005 we're referring to.

8 THE WITNESS: That's correct.

9

10 BY MR. OLSON:

11 Q Thank you. With respect to the December, 2005,
12 Intake and closing --

13 THE COMMISSIONER: Or four?

14 MR. OLSON: '04, my apologies, '04.

15 THE COMMISSIONER: Yes.

16

17 BY MR. OLSON:

18 Q With respect to the December, '04 Intake and
19 closing it was put to you that there were no new concerns
20 that precipitated that opening, it was merely there was a
21 child born in the hospital, was letting CFS know because
22 there had been prior concerns. My understanding, and I
23 think we've heard evidence to this effect, that a new baby
24 is, is a concern in itself when you have this sort of a
25 history; is that --

1 A Yes.

2 Q -- would that be your understanding?

3 A Um-hum.

4 Q And what about the addition of a new father in
5 the family?

6 A Yes -- well, it would be a concern. It should be
7 checked out.

8 Q And so when you're going -- when you're
9 investigating a file like this, and you have Ms. Kematch's
10 history, and you know about the prior concerns, about her
11 parenting, and you knew there's a new father and a new baby
12 in the picture, what would you expect the CRU worker to be
13 looking for?

14 A To ensure the safety of the children, and to look
15 at completing an assessment between the new father in the
16 picture, and the mother, and that there was a background
17 check done on the father.

18 Q Okay. So background check on the father to get
19 information about who the father, the father is, and if
20 that presents a safety concern to the children?

21 A Yes.

22 Q Okay. So that -- would that be an essential
23 thing to do?

24 A Yes.

25 Q That's what you would have expected?

1 A That's what I would have expected.

2 Q Now, in terms of relying on Nurse Wu, she was a
3 public health nurse, and I don't know if you are familiar
4 with her testimony or not.

5 A No, I'm not.

6 Q Now she -- there, there wasn't an exchange of
7 information between her and Willox directly. Ms. Wu
8 indicated that she's, she's not free to discuss the case
9 because of privacy concerns, and the implication was, if
10 you read between the lines, she didn't have any concern.
11 Would that in and of itself be enough to satisfy that the
12 standard that was put to you, in terms of seeing
13 reliable --

14 A No.

15 Q No. And why not?

16 A It, it may have been enough to give some time for
17 the CRU worker to get out to see the family, it may have
18 allowed some time in that, but, but just to rely on a
19 collateral's information I don't believe that that would
20 have been good enough.

21 Q Okay. Would that, that provision of the standard
22 -- my understanding of that provision would be that if you
23 can't get out immediately to assess the child, and you can,
24 you can get information from a reliable third party, you
25 can rely on that -- for that --

1 A Period of time.

2 Q -- for the time being?

3 A Um-hum.

4 Q Okay. But it doesn't absolve the worker of
5 actually having to go out and meet with, with the child and
6 the family?

7 A That's correct.

8 Q Finally in terms of training you were asked a
9 number of questions about the standards being unclear, and,
10 and the lack of formalized training. Workers -- I think
11 you said when, when I was asking you questions earlier the
12 workers were trained through experience --

13 A Yes, through --

14 Q -- that workers -- on the, on the job training?

15 A On the job training through placements of
16 students with us.

17 Q Right. Regular supervision from supervisors?

18 A That's correct.

19 Q And if they ever had any questions they were
20 always -- knew that supervisors were there to answer
21 questions?

22 A Yes.

23 Q And supervisors were required to sign off on
24 everything -- the, the important things they did like
25 closing files, apprehending children, things of that

1 nature?

2 A That's correct.

3 MR. OLSON: Those are my questions. Thank you.

4 THE COMMISSIONER: Thank you, Mr. Olson.

5 All right, witness, that was a long session, but
6 you've --

7 THE WITNESS: Yes, it was.

8 THE COMMISSIONER: -- come through it well, and I
9 thank you for your participation.

10 THE WITNESS: Thank you very much.

11 THE COMMISSIONER: You're free to take your
12 leave.

13 THE WITNESS: Thank you.

14

15 (WITNESS EXCUSED)

16

17 THE COMMISSIONER: And as I understand it we
18 adjourn now until nine-thirty tomorrow morning?

19 MR. OLSON: Yes.

20

21 (PROCEEDINGS ADJOURNED TO FEBRUARY 6, 2013)