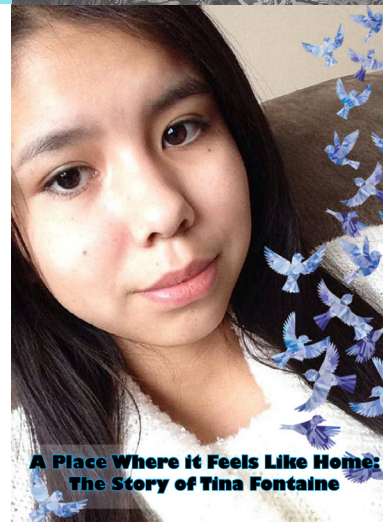
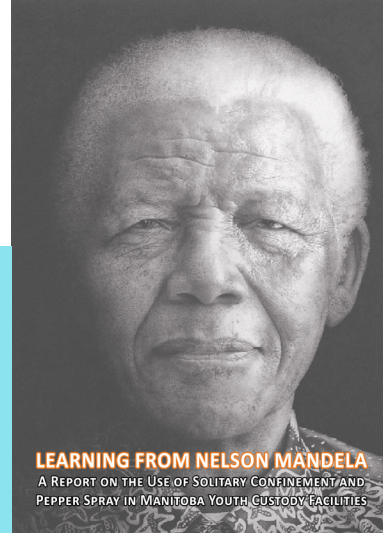


Manitoba Advocate

ARE THEY LISTENING?

Summary of Government Compliance with
Recommendations Issued under *The Advocate for
Children and Youth Act*

2020





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About Our Office

The Manitoba Advocate for Children and Youth (MACY) is an independent, non-partisan office of the Manitoba Legislative Assembly. We represent the rights, interests, and viewpoints of children, youth, and young adults throughout Manitoba who are receiving, or should be receiving, provincial public services. We do this by providing direct advocacy support to young people and their families, by reviewing public service delivery after the death of a child, and by conducting child-centred research regarding the effectiveness of public services in Manitoba. The Manitoba Advocate is empowered by legislation to make recommendations to improve the effectiveness and responsiveness of services provided to children, youth, and young adults. We are mandated through *The Advocate for Children and Youth Act* (ACYA) and guided by the *United Nations Convention on the Rights of the Child* (UNCRC) and we act according to the best interests of children and youth.

Our Vision

A safe and healthy society that hears, includes, values, and protects
all children, youth, and young adults.

Our Mission

We amplify the voices and champion the rights of children, youth, and young adults.

Our Values

Child-Centredness

Equity

Respect

Accountability

Independence

A Message from the Manitoba Advocate

As the Manitoba Advocate for Children and Youth, it is my responsibility to monitor the implementation of recommendations included in serious injury or child death investigations and special reports, as per sections 11(1)(d), 30(4), and 31(2)(c) of *The Advocate for Children and Youth Act* (ACYA). The special report I am issuing today provides Manitobans with information on the Manitoba government's compliance with 23 formal recommendations I have made since the new Act came into effect on March 15, 2018, and until December 31, 2019.



The 23 recommendations summarized here were contained inside the first four special reports released to the public. These include:

1. **Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions** (Manitoba Advocate, 2018b)
2. **In Need of Protection: Angel's Story** (Manitoba Advocate, 2018c)
3. **Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities** (Manitoba Advocate, 2019a), and
4. **A Place Where it Feels Like Home: The Story of Tina Fontaine** (Manitoba Advocate, 2019b)

In 2019, the Manitoba government took an important step towards creating an effective infrastructure for responding in meaningful ways to the service gaps and concerns that are identified in the investigations and special reports completed by my office. At that time, it established The Manitoba Advocate for Children and Youth-Recommendations Action Planning (MACY-RAP) table of key deputy ministers and an additional working group comprised of senior departmental staff. These groups are tasked with coordinating responses to the recommendations issued in reports from my office.

Despite some good work, encouraging discussions with my office, and measurable improvements, compliance with recommendations remains low. Since some recommendations are large and systemic, they can take significant time for the government to enact fully. As such, my office remains in regular communication with relevant government departments to receive updates, ask questions, and seek additional information. It is encouraging that 70% of recommendations have shown some movement over the last year where the government has taken steps towards implementing the changes recommended through child death investigations, research, and special reports. However, while there is movement, it is disappointing to note that **over a period of two years, only two recommendations for service improvements have been implemented fully**, and less than half (43%) of recommendations have achieved positive compliance assessments.

There are some important differences by department:

- **Manitoba Justice is the department with highest compliance levels.** They have made significant improvements overseeing pepper spray use and communicating victim services benefits to eligible children and youth. Overall, the department is partially compliant at 50%. Significant work remains on the issues of segregation and solitary confinement use in youth custody facilities.
- **Manitoba Education and Training has made some improvements and taken early steps to address chronic absenteeism, suspensions, and expulsions.** Their compliance level is limited at 38%.

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- **Manitoba Families has a mid-level compliance rate with recommendations, at 35% average compliance.** While they have made investments to comply with recommendations on child and youth sexual exploitation, they have only taken early steps to respond to recommendations that address improvements to the quality assurance of child welfare services. Additional areas that remain concerning include staff training and knowledge as well as outdated service standards.
- **Manitoba Health, Seniors and Active Living has a low compliance rating, with an average compliance rate of 25%.** Compliance of recommendations to improve mental health and addiction services lag behind and have not progressed significantly since they were issued. Child death reviews and investigations continue to see this as an area with significant gaps for children, youth, young adults, and their families in Manitoba.

Manitobans have a right to understand how their government is acting upon recommendations built on evidence and the stories of children and youth who have been injured or who have died. Reports on child death or injury investigations are written *through the eyes of the child* and reflect our understanding of the needs of the child and their family as well as the supports and interventions which were provided to them. The recommendations made in reports are evidence-informed and carefully designed to improve the effectiveness and responsiveness of public services. Compliance tracking of recommendations, as outlined in the ACYA, ensures that reports from my office do not merely sit on shelves gathering dust. Importantly, the actions and response of government and service providers to the recommendations are an important message to the surviving family, friends and loved ones of the young one who has died. While the reviews, investigations, research, and special reports detail the comprehensive picture of what has happened, the changes and service improvements that are undertaken are the important hedge against another death occurring in a similar circumstance in the future. The government and all service providers have a responsibility to make sense and meaning of their fulsome responses, which also lets families and all Manitobans know they have heard the story of the child and are listening.

On November 4, 2020, I was pleased to learn that the Manitoba government announced an investment to scale up and expand the youth hub model in Manitoba (Province of Manitoba, 2020). This investment brings a number of key partners together and will increase the available mental health and addiction supports for young people. Importantly, the government's announcement responds to a recommendation I made earlier this year in the report, *"Stop Giving Me A Number and Start Giving Me a Person": How 22 Girls Illuminate the Cracks in the Manitoba Youth Mental Health and Addiction System* (Manitoba Advocate, 2020c). The recommendation I issued this past May built on a similar call made in the government's Virgo Report (Virgo Consulting, 2018). Analysis of this announcement and the progress the government makes in this area will be included in a future recommendations compliance report from my office.

My team and I are committed to transparency and public accountability so all citizens can understand what is happening in the lives of young people and importantly, how the government is taking action to improve services for those children, youth, and young adults across our province.

I have identified three critical barriers to the implementation of recommendations that, if addressed, can greatly improve compliance and ultimately, services for children, youth, young adults, and families. To this end, I urge the government of Manitoba to:

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- 1. Publicly release and take action on existing reviews into child serving systems, including the youth justice system review and the Kindergarten to Grade 12 education review**
- 2. Release an action plan with timelines to implement the youth-specific recommendations issued in the government's 2018 *Improving Access and Coordination of Mental Health and Addiction Services: A Provincial Strategy for all Manitobans* (also known as the Virgo Report). In addition to an action plan and timelines, the government of Manitoba needs to commit appropriate resources to eliminate service barriers and improve mental health outcomes for children and youth, and**
- 3. Ensure that the four child and family services authorities and the Department of Families engage their respective legislated roles and responsibilities to ensure that training for workers and supervisors is adequately resourced, accessible, and monitored. Further, they must ensure that minimum service standards are clarified and effective, and that a quality assurance framework is developed and used to verify that all families receive the standards of service to which they are entitled. This is of particular importance during a time of significant transition with the coming-into-force of federal CFS legislation.**

Recommendations monitored by my office are the culmination of thorough investigations and research into children's rights violations, other injustices, serious injuries, and child deaths. We must honour the experiences and lives of children by committing to fulfilling children's rights in Manitoba.

In my time as Manitoba Advocate, I have the privilege of meeting some of the most dedicated workers and public servants. I am encouraged that many incredible Manitobans go to work every day with a commitment to providing excellent service and improving outcomes for young people in our province. I acknowledge the work of service providers across the province for their dedication, cooperation, and assistance in providing progress reports and supporting documentation throughout our compliance assessment process. It is clear from our ongoing working relationship that we share a commitment to improving the lives of children and youth in Manitoba.

Daphne Penrose, MSW, RSW
Manitoba Advocate for Children and Youth

Our Commitment To Reconciliation

The mandate of the Manitoba Advocate for Children and Youth extends throughout the province of Manitoba and we therefore travel and work on a number of treaty areas, including areas 1, 2, 3, 4, 5, 6 and 10. Specifically, our offices in Southern Manitoba are on Treaty 1 land and our Northern office is located on Treaty 5. The services we provide to children, youth, young adults and their families extend throughout the traditional territories of Anishnaabeg, Cree, Oji-Cree, Dakota, and Dene peoples, and the beautiful homeland of the Metis nation.

The Manitoba Advocate is committed to the principles of decolonization and reconciliation and strives to contribute in meaningful ways to improve the lives of all children, youth, and young adults, but especially the lives of First Nations, Metis, and Inuit young people, who continue to be disproportionately impacted by systemic inequalities and other barriers in our communities. With a commitment to social justice and through a rights-based lens, we integrate the *United Nations Convention on the Rights of the Child*, the *United Nations Declaration on the Rights of Indigenous Peoples* and the national Truth and Reconciliation Commission's *Calls to Action* into our practice.

Acknowledgements

We would first like to recognize that the 23 recommendations analyzed here are the result of investigations into the lives of children, youth, and young adults who were injured, who died, or who suffered injustices in Manitoba. We honour and remember them by first telling their stories, and then by monitoring compliance with any recommendations their stories inspired in order to improve safety and reduce deaths for other children facing similar circumstances.

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Timeline of Special Reports

Circling Star - 2018	
Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions (Circling Star) 6 Recommendations	2018 - Angel's Story
Nelson Mandela - 2019	In Need of Protection: Angel's Story 6 Recommendations
Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities 6 Recommendations	2019 - Tina Fontaine
Matthew - 2020	A Place Where It Feels Like Home: The Story of Tina Fontaine 5 Recommendations
The Slow Disappearance of Matthew: A Family's Fight for Youth Mental Health Care in the Wake of Bullying and Mental Illness 8 Recommendations	2020- Safe and Sound
Suicide Aggregate- 2020	Safe and Sound: A Special Report on the Unexpected Sleep-Related Deaths of 145 Manitoba Infants 13 Recommendations
"Stop Giving Me A Number And Start Giving Me A Person": How 22 Girls Illuminate the Cracks in the Manitoba Youth Mental Health and Addiction System (Suicide Aggregate) 7 Recommendations	

Report Highlights

Report Scope

The following document includes compliance assessments with the **23 recommendations** from the Manitoba Advocate's first four reports under the ACYA, including: *Circling Star* (2018b), *Angel's Story* (2018c), *Nelson Mandela* (2019a), and *Tina Fontaine* (2019b). Assessments include updates and documentation provided up to and including formal submissions on June 30, 2020, and any supporting documentation up to and including September 10, 2020. At the department's request, the Manitoba Advocate extended the deadline for supporting documentation to October 2, 2020. Those updated submissions are included in this report.

Recommendations issued in the Manitoba Advocate's more recent reports have not been included here because less than six months have passed since those recommendations have been issued. These more recent reports include, *The Slow Disappearance of Matthew: A Family's Fight for Youth Mental Health Care in the Wake of Bullying and Mental Illness* (Manitoba Advocate, 2020a), *Safe and Sound: A Special Report on the Unexpected Sleep-Related Deaths of 145 Manitoba Infants* (Manitoba Advocate, 2020b), and *"Stop Giving me a Number and Start Giving Me a Person": How 22 Girls Illuminate the Cracks in the Manitoba Youth Mental Health and Addiction System* (Manitoba Advocate, 2020c). These reports from 2020 were acknowledged in the June 2020 response by the government of Manitoba and a submission was also made by the government of Canada. Comprehensive analyses on these more recent reports will be included in future reports from the Manitoba Advocate.

This report summarizes trends in recommendation compliance. A full list of recommendations and their compliance assessments can be found in [Appendix A](#). The full compliance analysis and determination for each recommendation are in [Appendix B](#) and [can also be accessed on our website](#).

Report Structure

This report has three sections. **SECTION 1** provides background into the process of recommendation development and monitoring. **SECTION 2** summarizes compliance assessments on multiple variables, including by department and issue. **SECTION 3** presents three key opportunities available to the Manitoba government to enhance compliance with recommendations made to improve services for children, youth, young adults, and families.

Section 1: BACKGROUND

How are recommendations made?

Recommendations arise from findings of investigations and research. Findings summarize key observations made during the investigatory and report writing process when the data and other evidence are examined.

Preliminary findings and draft reports are shared with representatives from the public body or bodies being reviewed or investigated. This process, known as a service domain meeting, allows the Manitoba Advocate to ensure accuracy and completeness of the draft reports and to consider any additional information, evidence, or relevant service updates the domain representatives may wish to provide. This, in turn, fosters discussions that inform recommendations.

Depending on the issue being addressed, recommendations can also involve consultations with experts, youth with lived experiences, parents, First Nations and Metis communities and/or governments, the Elders Council at the Manitoba Advocate for Children and Youth, and rapid evidence reviews of best practices.

Currently, recommendations have three sections. The first section includes a broad statement outlining the objective, primary addressee, and action required. The second section, titled “Details,” outlines specific actions required to implement the recommendation. Third, is a section called “Impact” that ties the recommendation to specific children’s rights as articulated by the *United Nations Declaration on the Rights of the Child* (UNCRC) and other guiding documents including the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and the national Truth and Reconciliation Commission’s (TRC) *Calls to Action*.

Who responds to recommendations?

The Manitoba Advocate can make recommendations after an investigation to any public body or other person that the Manitoba Advocate considers appropriate (ACYA, s.27(2)(a)). Most often, this will mean the Advocate’s recommendations are directed at governmental and non-governmental service providers in the areas of child welfare, adoption, disabilities, education, mental health, addictions, victim supports, and youth justice. However, the ACYA provides discretion to the Advocate to direct recommendations beyond this typical scope, if the Advocate deems this necessary (ACYA s.31(2)(d)).

As noted previously, in 2019, the government of Manitoba established the Manitoba Advocate for Children and Youth-Recommendations Action Planning (MACY-RAP) committee with the intention of responding to MACY recommendations with a whole-of-government approach.

Membership in the committee includes the deputy ministers of Families, Justice, Health, Seniors and Active Living, and Manitoba Education and Training. In addition to the deputy ministers, the MACY-RAP committee is often attended by assistant deputy ministers and other supports. A MACY-RAP sub-committee was also established in a supportive role and membership includes senior policy analysts and other departmental staff.

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To date, responses to recommendations directed at the provincial government have come via the MACY-RAP table to the Manitoba Advocate on a semi-annual basis, in June and December of each calendar year. Moving forward, the Advocate has determined that one update will be received in January of each year and the formal submission submitted to the Advocate annually in May. Once assessed and analyzed, the Manitoba Advocate shares the analyses publicly with Manitobans [on the MACY website](#).

How are recommendations monitored?

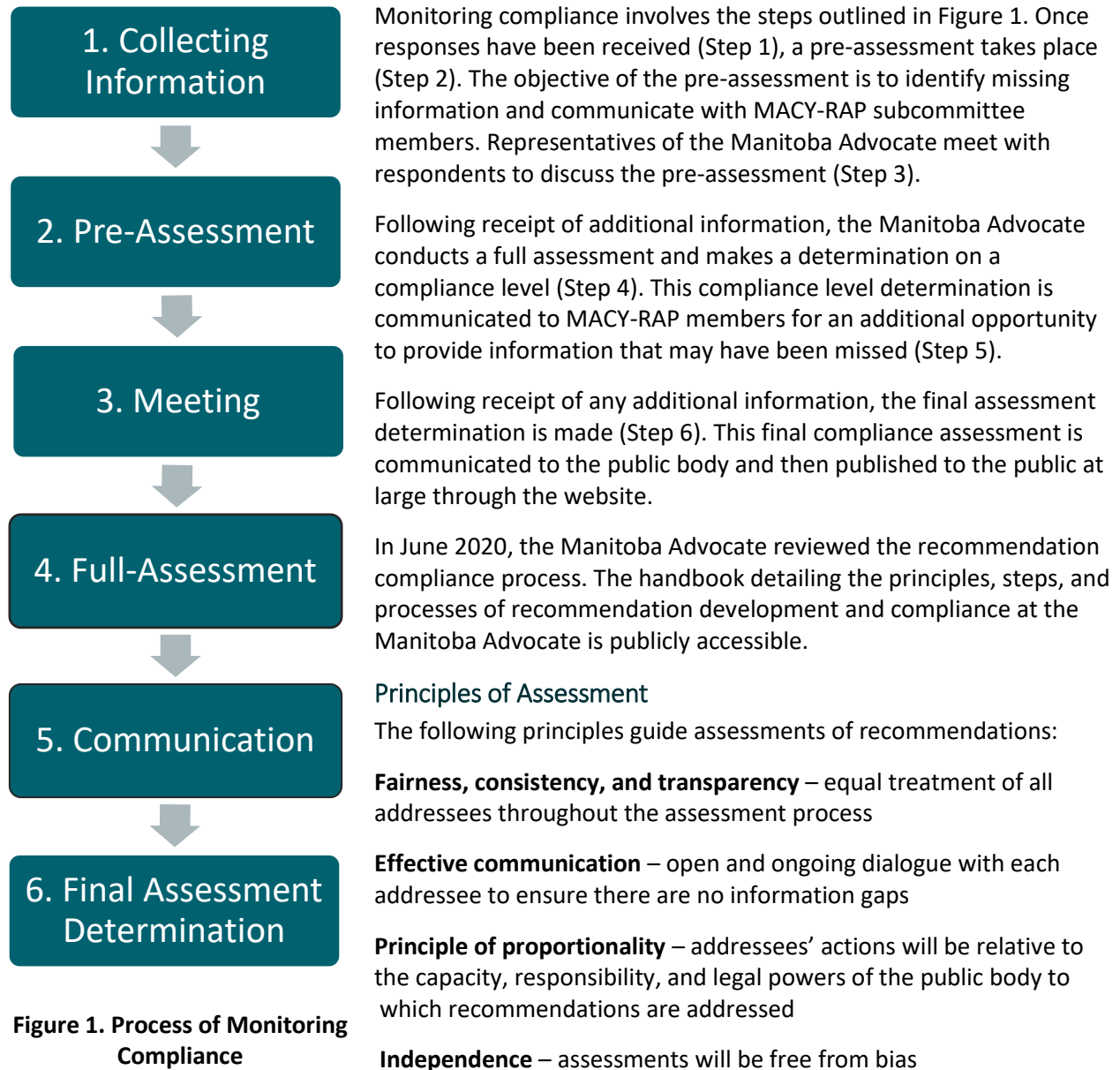


Figure 1. Process of Monitoring Compliance

Child-centredness – responses to recommendations will be measured based on their compliance to the intent of the recommendation and the impact on the rights of children in Manitoba, as outlined in *The United Nations Convention on the Rights of the Child*.

A New Model for Compliance Monitoring

In April 2020, the Manitoba Advocate requested a review of the existing recommendations compliance process. The Quality Assurance (QA) department found that there were opportunities for improvement, including:

- Unclear intents of the recommendations, which resulted in responses which were not always in line with the intent.
- Responses which were not connected year to year
- Low compliance assessments and little progress in recommendation implementation

The QA department began a jurisdictional scan for effective options. We examined a number of possible models and processes for analyzing responses to the recommendations and discovered that due to the unique nature of our work and the scope of the mandate, it was difficult to find models that aligned with our legislative responsibilities.

Our examination took us to the European Union (EU) system and specifically the European Systemic Risk Board (ESRB), which serves as the independent oversight body of the EU. The ESRB reviews and monitors the financial system of the EU, issues recommendations for improvements, and monitor compliance with recommendations they make across EU member states. Following a review of the ESRB model, we met with them to discuss their model and processes and to ask questions. We then adapted their model to the needs of MACY. Following this, we created a handbook for public bodies and templates for managing and assessing information provided by the government and other responding service providers. That model is the one reflected in this report being released today.

The Seven Compliance Levels

The compliance scale is how we evaluate compliance systematically. There are seven different levels of compliance (**Figure 2**). Numbers are assigned to each compliance level in order to be able to conduct an analysis of progress over time, by report, systemic issue, and addressee.

Positive Compliance Levels

- **Fully compliant (FC = 1)** – an addressee complies entirely with the requirements of the recommendation;
- **Largely compliant (LC = 0.75)** – requirements have been met almost entirely and only negligible requirements remain to be implemented;
- **Partially compliant (PC = 0.5)** – the most important requirements have been met; certain deficiencies affect the adequacy of the implementation, but without resulting in a situation where the given recommendation has not been acted upon;
- **Alternate solution (AS = 1)** – the recommendation was not acted upon, however, a complete and well-reasoned explanation for the lack of implementation of the recommendation has been provided, and a different action has been proposed which meets the intent of the recommendation.

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Negative Compliance Levels

- **Limitedly compliant (LMC = 0.25)** – the requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation;
- **Non-compliant (NC = 0)** – almost none of the requirements have been met, even if steps have been taken towards implementation, or actions taken are not in line with the nature and intent of the recommendation, or no actions have been taken.
- **Insufficiently explained (IE = 0)** – the recommendation was not acted upon and the explanation given for the lack of implementation of the recommendation, or actions taken as alternatives to the recommendation are not sufficient to justify the inaction; or do not meet the intent of the recommendation.

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Figure 2. Compliance Levels and Colour Codes

Section 2: SUMMARY OF COMPLIANCE

The following section presents a summary of compliance determinations with recommendations by different categories. Categories assess progress on multiple levels including progress in the implementation by special report, progress by department, and progress on systemic issues affecting Manitoba children, youth, and their families.

Recommendations by Compliance Level

Compliance with recommendations is relatively low. Only 43% of recommendations have a positive assessment of compliance, including partially compliant and above, with two recommendations being deemed fully compliant.

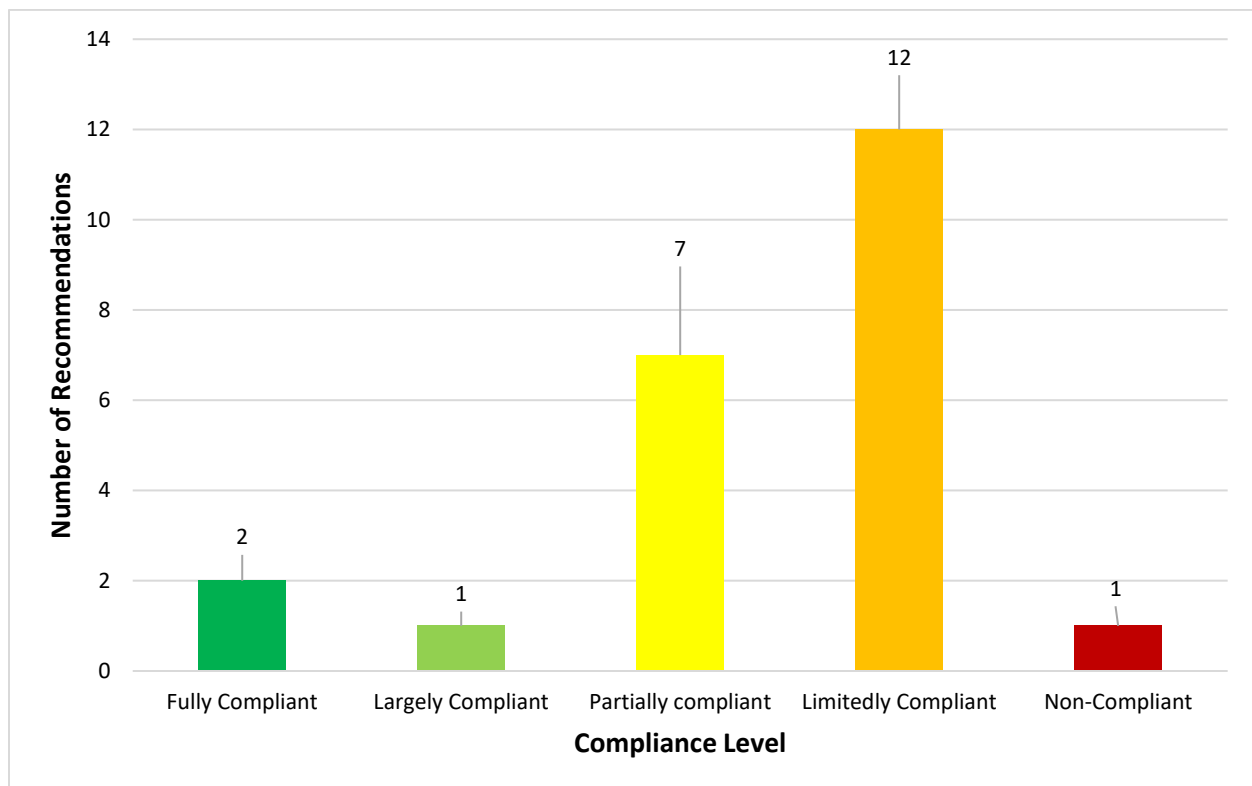


Figure 3. Recommendations by Compliance Level

Progress with Recommendation Compliance

Progress with compliance determinations was measured by comparing assessments following responses in June 2019, to assessments following responses in June 2020. These were coded into three categories: improvement, no change, and negative change.

Of the 23 recommendations assessed, 16 (70%) showed improvements in their compliance assessment since the last report. Seven (30%) show that progress has stalled with no change since the last report.

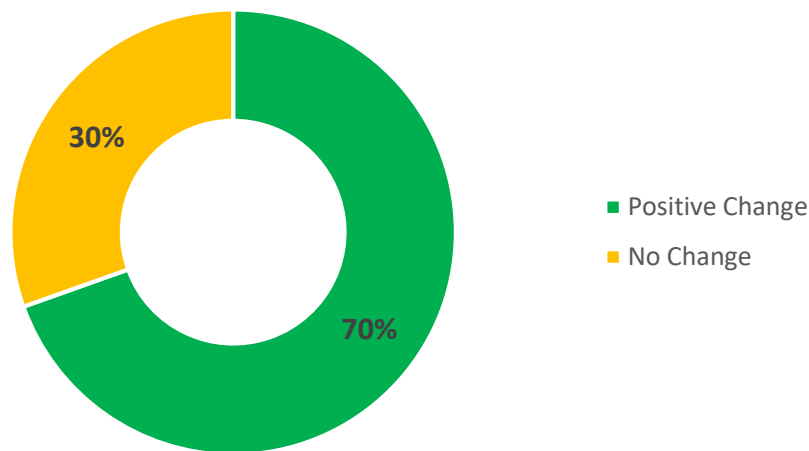


Figure 4. Progress with Recommendation Compliance

Compliance by Special Report

There are differences in the degree of compliance with recommendations in each special report produced. The report on the life of *Circling Star* (Manitoba Advocate, 2018b) was the first special report released under *The Advocate for Children and Youth Act*, and while it was released two years ago, it shares the lowest assessed compliance (38%) with *Angel's Story* (Manitoba Advocate, 2018c).

The report into the death of *Tina Fontaine* (Manitoba Advocate, 2019b) has the highest compliance average (45%). This is closely followed by the *Nelson Mandela* (Manitoba Advocate, 2019a) report, which outlines the use of segregation, solitary confinement, and pepper spray in youth custody facilities (42%).

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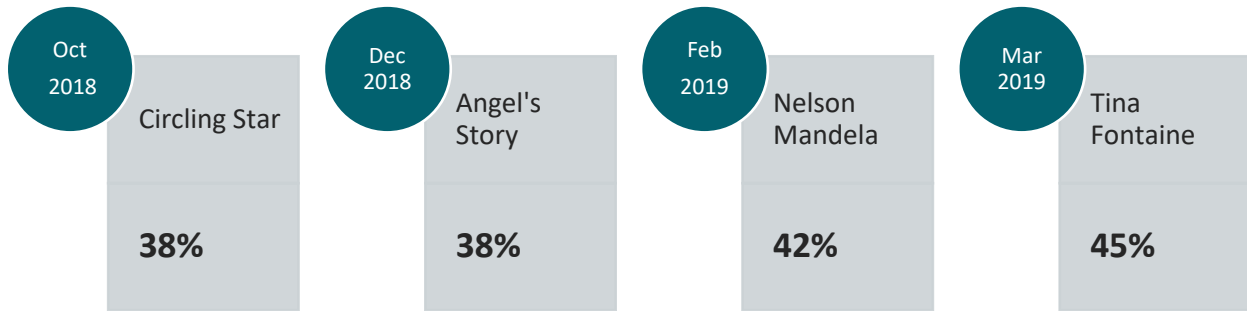


Figure 5. Percentage Compliance by Special Report

Compliance by Systemic Issue

Each recommendation addresses a primary systemic issue affecting children, youth, young adults, and families in Manitoba. As seen in **Figure 6. Compliance by Systemic Issue**, some issues are being addressed more promptly than others.

For instance, a recommendation made to improve accessibility to victim services benefits for children and youth, made in *Tina Fontaine*, is considered fully compliant. Further, the recommendation made in *Nelson Mandela* to limit and increase oversight of pepper spray use in youth custody facilities is deemed fully compliant. Since the report was released, Manitoba Justice have used pepper spray once and have implemented procedures that increased oversight.

By contrast, recommendations to improve the mental health and addictions system are, on average, assessed as limited in their compliance, with an average of 38%. Further, recommendations made in *Circling Star* and *Angel's Story* developed to update, train, and monitor compliance with the child and family services minimum standards are currently limitedly compliant, at 25%.

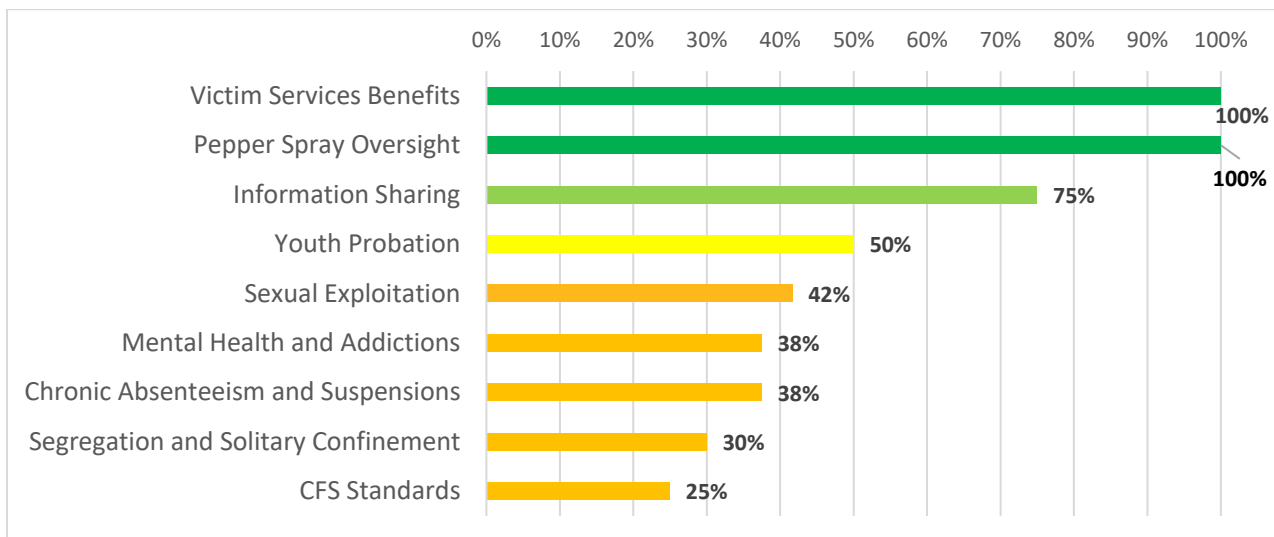


Figure 6. Compliance by Systemic Issue

Compliance by Primary Department

Overall compliance remains low, however, there are differences in the level of compliance between government departments (**Figure 7**).

The Manitoba Justice (JUS), which is responsible for youth corrections and victim services, has the highest compliance level at 50%. This is due to significant progress made on recommendations concerning accessibility to victim services benefits for children and youth and improved oversight of pepper spray use in youth custody facilities. Both recommendations have been deemed fully compliant.

However, recommendations made to address the use of segregation and solitary confinement in youth custody facilities remain open and with low compliance assessments. Segregation and solitary confinement (segregation over 22 consecutive hours) continue to be tools regularly used in Manitoba youth custody facilities. Most notably, in April 2020, youth were being placed in solitary confinement in the Winnipeg Remand Centre, an adult facility, for periods of up to 14 days as a response to the pandemic. It was reported to the Advocate from community sources that in some cases, youth in solitary confinement were being held without access to phones, books or writing utensils, and that restrictions on access to family and lawyers were also imposed on them. Further, youth were only permitted one hour of time per day outside of their cell. As stated in the *Nelson Mandela* report, the use of solitary confinement in this case was against international minimum standards for the treatment of juveniles in custody (known as [The Nelson Mandela Rules](#)). When the Manitoba Advocate learned of the inappropriate treatment of children in this way, this issue was immediately raised with youth justice officials and the Advocate forwarded a letter of concern to the Minister of Justice. The department ended the practice of placing youth in solitary confinement at the adult remand centre.

Recommendations addressed to the government of Manitoba as a whole (GOM) also have higher compliance rates at 50%.

On the other hand, Manitoba Health, Senior and Active Living (MHSAL) has the lowest compliance assessment overall (25%). This is due to lower compliance with recommendations made to improve the effectiveness and responsiveness of mental health and addiction services for children and youth.

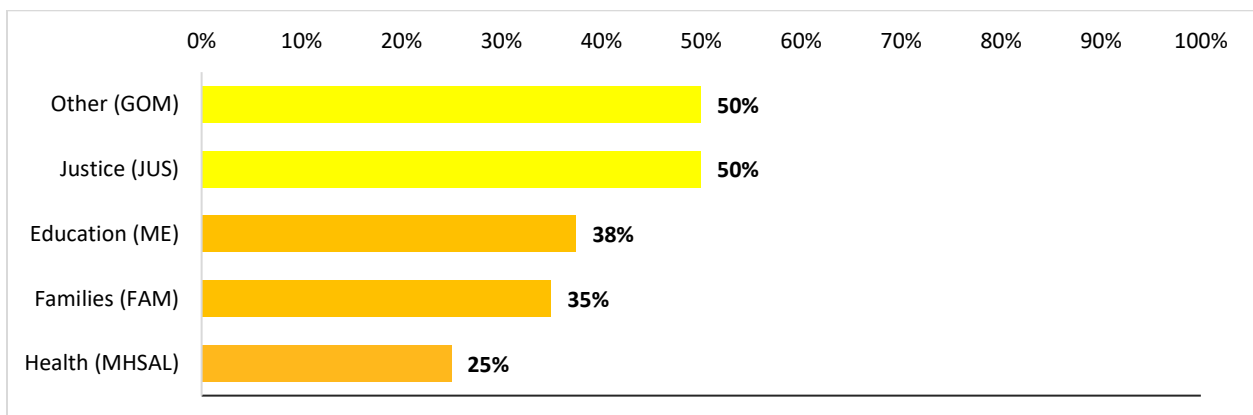


Figure 7. Compliance by Department

Section 3: OPPORTUNITIES TO ENHANCE COMPLIANCE

The following section focuses on three key barriers that are affecting progress on recommendations. If addressed, these issues can drastically remove barriers to compliance and improve compliance assessments of recommendations.

1. Publish and Take Immediate Action on Reviews of Child-Serving Systems

Since 2017, the government of Manitoba has announced four reviews into child-serving systems in Manitoba including the mental health and addiction system, education system, child welfare system, and the youth justice system (**Table 1**).

The Government's Response

Basic information about these reviews was included in the formal responses submitted by the provincial government to MACY in June 2019, December 2019, and June 2020, and cited by the government as reasons why its responses to the Advocate's recommendations are not progressing further than they have.

Reviews of the child-serving system can be important for identifying gaps and improving services for children and youth. However, only two of the four reviews announced have made their reports public, and none have published an implementation plan to improve services for children and youth. These reviews have the potential to contribute to the compliance of multiple recommendations made in special reports, in particular:

- Recommendations to address chronic absenteeism, suspensions, and expulsions (Circling Star, Rec. 2; Tina Fontaine, Rec. 1)
- Recommendation to increase therapeutic supports in youth custody facilities (Nelson Mandela, Rec. 5)
- Recommendation to update the Child and Family Services minimum service standards (Angel's Story, Rec. 4)

The Manitoba Advocate's Analysis and Determination

Ongoing reliance on reviews without concrete plans of action have continued to result in low compliance assessments. Publishing these reviews and creating implementation plans to improve services has the potential to enhance compliance assessments with recommendations and, consequently, advance services to children, youth, young adults, and families.

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Table 1. Reviews into Child Serving Systems in Manitoba

System	Name	Announced	Report?	Implementation Plan?
Mental Health & Addictions Review	Development of Mental Health and Addiction Strategy (Virgo Report)	Yes (2017)	Yes (2018)	No*
Child Welfare Review	Review of Manitoba's Child Welfare Legislation	Yes (2017)	Yes (2018)	No
Education Review	Commission on Kindergarten to Grade 12 Education	Yes (2019)	No	No
Youth Justice Review	Review of Youth Justice System and Connections to Child Welfare	Yes (2019)	No	No

*An implementation plan for adult services has been released but it does not include a child and youth specific plan with recommendations from the Virgo Report.

2. Release an action plan with timelines to address child and youth mental health and addictions

Earlier this year, the Manitoba Advocate reported that over the last five years, suicide has become the leading manner of death for youth in Manitoba (Manitoba Advocate, 2020). As seen in **Table 2**, investigations into the deaths of *Circling Star*, *Angel*, and *Tina Fontaine*, demonstrated existing gaps in the mental health and addiction services for children and youth in Manitoba. To address these gaps, the Manitoba Advocate has made four recommendations that support the development of child-centered addiction and mental health plans and investments. Overall, these recommendations call on the provincial government to release an action plan with timelines to implement the youth-specific recommendations issued in the government's 2018 *Improving Access and Coordination of Mental Health and Addiction Services: A Provincial Strategy for all Manitobans* (Virgo Planning, 2018; also known as "the Virgo Report"). In addition to an action plan and timelines, the government of Manitoba needs to commit appropriate resources to eliminate service barriers and improve mental health and addiction outcomes for children and youth.

Table 2. Mental Health Recommendations

Recommendation	Summary	Compliance Assessment	Compliance Level
Circling Star, Rec. 4	Develop a youth addictions action strategy	Limitedly Compliant	25%
Angel, Rec. 6	Amend <i>The Youth Drug Stabilization Act</i>	Non-Compliant	0%
Tina Fontaine, Rec. 2	Create an implementation plan for the child and youth specific recommendations in the Virgo Report	Limitedly Compliant	25%

The Government's Response

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Manitoba Health, Seniors and Active Living has responded to recommendations by providing a list of various investments made for children and youth. Of concern, many recent announcements are for one-off or short-term investments and are not linked to a broader action plan or sustained strategy to address the many gaps in youth mental health and addiction care in the province. The government's approach reflects a focus on "'demonstration' or 'pilot testing'" (Virgo Planning, 2018, p. 138) resulting in program instability and long waits when programs are demonstrating success but then are left "waiting (and waiting)" (ibid.) for further funding to remain active. These funding deficiencies were noted by the government's own analysis through the Virgo Report (Virgo Planning, 2018).

The provincial government has also responded to the Advocate's mental health and addiction recommendations by pointing to Manitoba's *Clinical and Preventive Services Plan* (Shared Health, Inc., 2019) as evidence of an action plan to improve mental health and addiction services. Importantly, Manitoba's *Clinical and Preventative Services Plan* does not outline services for children and youth.

Why do we need a unique mental health plan for children and youth in Manitoba?

An estimated one in seven young people in Manitoba has a diagnosed mental disorder.¹ Children and youth are at a unique stage of physical, developmental, and neurological development. That means they require targeted solutions and care that meets their needs. Adult programs will not work for children.

Children and youth are also served by separate infrastructure from adults in the justice, health, education and child welfare domains. A strategy for children involves different stakeholders. Further, the distinct legal entitlements and restrictions of children means that they need a different approach to accessing supports, one that involves families and communities.

Mental health intervention in childhood and young adulthood can lessen the impacts over a person's lifetime. All children are entitled to the highest attainable standard of health and mental health treatment under commitments made by Canada and Manitoba in the UNCRC.

¹Chartier M, Brownell M, MacWilliam L, Valdivia J, Nie Y, Ekuma O, Burchill C, Hu M, Rajotte L, Kulbaba C. *The Mental Health of Manitoba's Children*. Winnipeg, MB. Manitoba Centre for Health Policy, Fall 2016.

The Manitoba Advocate's Analysis and Determination

While we encourage investments in mental health and addictions services, they are not nested within a comprehensive or coordinated strategy that addresses gaps in services identified in the reports. Further, analysis of their response indicates that the planning currently guiding investment is largely adult-centric, and does not consider the unique and heightened needs of children and youth with mental health concerns.

The lack of a separate and distinct plan to address the needs of children and youth affected by mental health and addictions is a barrier to full compliance of recommendations made to Manitoba Health, Seniors and Active Living. More importantly, a lack of an overall youth mental health and addiction service improvement and investment strategy leaves far too many children and youth with nowhere to turn when they need help. Developing a child and youth mental health action plan with timelines and

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implementation plans is needed to ensure that no child falls through the gaps of the existing system, and importantly to ensure that systems are working together in the best interest of the child.

What is consistently observed in advocacy services matters and in investigations of serious injuries and deaths is that mental health and addictions care for children, youth, and young adults is woefully inadequate. Too few services, with too many barriers to those services that prevent young people in our province from receiving the support they need.

When families and advocates speak about cracks in the system, this is what is meant. Manitoba Health, Seniors and Active Living which is responsible for delivering mental health and addiction services is too often inactive when those services are needed by young people. Cracks become large gaps when needs grow more critical and then it is left to systems like CFS and Justice, those systems of last resort, which are activated when families are in crisis. This is what the reality is for too many children, youth, young adults, and their families in Manitoba and why the Manitoba Advocate for Children and Youth has called on the Government of Manitoba for years to address the chronic underfunding and systemic ineffectiveness of youth mental health and addictions (Office of the Children's Advocate, 2015; Office of the Children's Advocate, 2016; Manitoba Advocate, 2018a; Manitoba Advocate, 2018b; Manitoba Advocate 2018c; Manitoba Advocate, 2019a; Manitoba Advocate, 2019b; Manitoba Advocate, 2020a; Manitoba Advocate, 2020b).

It is not a coincidence that while systems like mental health and addictions are continuously allowed to walk away from families (through unrealistic entrance criteria, equitable services being unavailable in rural communities, long waitlists, and more) that we have such high rates of children and youth ending up in CFS care or in custody of the justice system. Those last resort systems continuously play clean-up for the systems that ought to be providing specialized services. CFS workers and justice staff are not mental health or addiction workers, but are regularly expected to function as such because the mental health and addiction system in Manitoba is largely focused on adults at the expense of children.

3. Engage legislated roles, responsibilities, and jurisdiction in child and family services to address critical training gaps, service standards, and the lack of quality assurance frameworks

According to provincial legislation, the service quality within the child and family (CFS) system is, ultimately, the responsibility of the Minister of Families. Service standards and quality assurance measures are delivered by the responsible CFS agency, with oversight from its mandating CFS authority. In turn, per legislation, quality assurance measures at the authority level must then be assessed and monitored by the Minister of Families. In Manitoba, families involved with the CFS system experience inconsistent quality of services, which were evident in the Manitoba Advocate's 2018 special reports: the story of Circling Star (Manitoba Advocate, 2018b), and the story of Angel (Manitoba Advocate, 2018c).

Inconsistencies in terms of CFS service quality and meeting minimum service standards are common concerns the Manitoba Advocate observes in situations active in MACY's Advocacy Services program and in the child death reviews completed at MACY. For example, in the coming weeks, the Manitoba Advocate will be releasing the 2019-2020 Child Death Review Roll-Up, which summarizes themes and concerns observed in the 71 child death reviews completed by the Manitoba Advocate in the 2019-20

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fiscal year. As was the case in the 2018-2019 child death review roll-up report (Manitoba Advocate, 2019c), significant deficiencies were again discovered during the Advocate's child death reviews. These services gaps and omissions were observed in the areas of **assessment** (93% of files had gaps or omissions), **case planning** (83% of files had gaps or omissions), **service provision** (86% of files had gaps or omissions), and **service evaluation** (82% of files had gaps or omissions). These four areas are foundational activities of CFS service delivery and deficiencies were found throughout cases where a child died. An important way to improve service quality is for the system to ensure it's frontline staff and supervisors are clear on the existing minimum service standards which are required when an agency is delivering services to a child or their family. The lack of adherence to minimum standards, as was evident in the review roll-up reports again highlights the critical need for comprehensive training for individuals responsible for the delivery of quality services.

The Manitoba Advocate made two recommendations in two special reports to improve the quality of services for children and youth in care (**Table 3**). Investigations concluded that CFS minimum standards were not met, resulting in deficiencies in the services received. Lack of staff and supervisor training, outdated minimum service standards, and a lack of a quality assurance framework contributed to the deaths of the youth. To address these shortcomings for all children, the two recommendations made by the Advocate seek to strengthen compliance with child welfare standards. Addressing these issues is particularly important now, during a time of significant transition with the coming-into-force of federal CFS legislation.

Table 3. Child Welfare Standards Recommendations

Recommendation	Addressee	Summary	Compliance Assessment	Compliance Level
Circling Star, Rec. 6	Manitoba Families and the four CFS authorities	Develop training on the CFS standards, clarify training content, train existing and new workers	Limitedly Compliant	25%
Angel, Rec. 4	Manitoba Families and the four CFS authorities	Conduct a review of CFS standards, update standards, and establish a province-wide measures and framework for quality assurance	Limitedly Compliant	25%

The Government's Response

In response to these recommendations, Manitoba Families has stated that action on recommendations has been affected by two major developments: anticipated legislative change arising from *The Child Welfare Legislative Review Committee* recommendations, and the new federal CFS legislation *An Act Respecting First Nations, Inuit and Metis Children, Youth and Families*. Legislative change will precede changes in the standards which have to align. Some sections of the standards have been updated, but many are awaiting legislative change.

Requests for information to each CFS Authority and the Department of Families on the number and percentage of staff that are trained on the CFS standards resulted in the identification of a lack of data collection of this key indicator. Initially, when we asked, the Department of Families indicated we should

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ask the four Authorities for that information. In turn, we assured the Department we would be asking the Authorities, but that per *The Child and Family Services Authorities Act* (“The Authorities Act”), the Department of Families, which is the operational arm of the Minister of Families, also has a legislated role in monitoring and overseeing the four authorities (see especially s.24 “**Minister’s responsibilities**” and s.25 “**Direction to authority**”). The Department of Families did then respond with the information that they would be conducting a “jurisdictional scan, and development of potential new formats to enhance accessibility of the [minimum service] standards manual and clarity about roles and responsibilities.”

The Manitoba Advocate’s Analysis and Determination

Information from three of the four CFS authorities also appeared to fall short regarding the authorities’ legislated responsibilities, as described in s.19 “**Duties of an authority**” in *The Authorities Act*. Specifically, when we enquired about numbers of agency staff who have completed training on minimum provincial service standards, one authority provided clear information about the percentage of staff (95%) who are trained on service standards within one year of employment, two authorities indicated they did not collect or track that information, and one authority provided no information respecting our enquiry. Based on this, there appears to be a lack of authority and departmental oversight and monitoring regarding training and implementation of the standards in services being delivered by agencies. This is concerning and requires urgent action. What is clear from the vantage of the Manitoba Advocate, is that when minimum standards are not met, tragic outcomes can occur (Manitoba Advocate, 2018b; Manitoba Advocate, 2018c).

On the need for clear guidance for minimum service standards from which the four CFS authorities can create their own cultural standards (*The Authorities Act*, s.19(c)), the Department of Families stated they are beginning work on a “jurisdictional scan” to clarify the comparative quality assurance responsibilities of the Department of Families, authorities, and agencies. Currently there is no clear structure for ensuring quality of child welfare services. This is an administrative and system deficiency and is concerning when child death reviews have pointed to the same shortcomings for more than a decade.

The relationship between the Minister of Families and the four CFS authorities is defined in *The Authorities Act*. While a number of responsibilities are delegated to the authorities, *The Authorities Act* clearly states that the Minister of Families is responsible for both establishing policies and standards for the provision of child and family services (See s.24(b)) and for monitoring and assessing how CFS authorities carry out their responsibilities under *The Authorities Act* (See s.24(c)).

MINISTER’S RESPONSIBILITIES AND POWERS

Minister’s responsibilities

24 The minister is responsible for the following:

- (a) setting provincial objectives and priorities for the provision of child and family services;
- (b) establishing policies and standards for the provision of child and family services, including policies and standards relating to a child’s safety and security that must include
 - (i) assessing risks to a child’s life, health or emotional well-being in his or her present circumstances or any proposed placement, and
 - (ii) determining the nature and frequency of contact that an agency should have with a child to ensure that the child is safe and receiving appropriate services;
- (c) monitoring and assessing how authorities carry out their responsibilities under this Act;
- (d) allocating funding and other resources to authorities;

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- (e) providing support services to authorities;
- (f) communicating to authorities the primary importance of a child's safety and security in the provision of child and family services and monitoring the oversight provided by authorities of agencies in this regard.

It is concerning that issues continue to exist regarding training, clear and effective service standards, and the lack of a process that ensures minimum provincial standards are applied to all cases. These issues have been common themes in past inquests, inquiries, child death investigations completed by the Manitoba Advocate, Section 4 reviews and internal agency reviews completed under section 1.7.4 of the CFS provincial service standards. However, notwithstanding all the continued evidence of these issues, there is still not a process in place to ensure that minimum service standards are applied to every child and family that is receiving services from the CFS system.

The Authorities Act describes that ensuring the delivery of high-quality and responsive services is one of the responsibilities of the authorities (See s.19). *The Authorities Act* also requires the Minister of Families, through the CFS department, to be responsible for monitoring and assessing how the four CFS authorities carry out their responsibilities under this Act (See s.24). These roles are critical to ensure that Manitoba children, youth, and their families can access CFS supports through well-trained staff who deliver services that consistently meet minimum service standards and that there is a clear process to ensure that happens for all families.

Children and youth in Manitoba currently receiving services from CFS are entitled to special protection and assistance. These entitlements to safety, care, and protection are described in *The Child and Family Services Act*, and more recently, federal CFS legislation for First Nations, Metis, and Inuit communities. Further, these entitlements are enshrined in the *United Nations Convention on the Rights of the Child* and in the *United Nations Declaration on the Rights of Indigenous Peoples*. In order to increase compliance with recommendations regarding the child and family services minimum standards, and acknowledging the changing legal environment, Manitoba Families must fulfill its ongoing legal responsibility to establish policies and standards for child and family services and monitor how the four CFS authorities carry out their responsibilities under *The Authorities Act* (see Section 24(b) and (c)).

Further, during this period of transition for some First Nations, Metis, and Inuit communities who intend to engage the federal CFS legislation and assert their inherent jurisdiction, the Department of Families must work closely and collaboratively with CFS authorities and Indigenous communities. This is necessary to ensure children and families receive services that are high quality and to which they are entitled.

At the heart of this is the need for clarity for service providers and administrators respecting what services are required to keep children and youth safe. Effective and meaningful service can be accomplished by supporting the development of clear and effective service standards, providing adequate resources for training staff and supervisors, and applying quality assurance frameworks that support consistent service provision. These are more important now than ever before given that the CFS system is on the eve of the largest child welfare change in history. The lessons of the system's past mistakes must not be forgotten. What must be addressed are ill-coordinated services from one location to another in Manitoba, chronic underfunding, and training deficits. Additionally, when services do not meet minimum standards, when there is a lack of process to ensure those standards are implemented, when legislated roles to ensure quality services are not engaged, and when the system's administration does not assess or monitor activities, the safety of children and youth can be compromised.

Conclusion

The Manitoba Advocate for Children and Youth is an independent and non-partisan officer guided by the rights of children and empowered, by law, to provide oversight to provincial services for children, youth, young adults, and their families.

In an unanimous vote in June 2017, the Manitoba Legislative Assembly, representing the interests of citizens and signaling its commitment to the protection of children's rights, expanded the powers of the Manitoba Advocate to include compliance monitoring of recommendations made in investigations and special reports of the Manitoba Advocate. Those powers have been in force since March 2018.

Through the lives, deaths, and experiences of children, youth, and young adults, the Manitoba Advocate carefully analyzes services for young people in Manitoba and the areas where improvements are needed. Formal recommendations, which are built on evidence, are issued with the objective of making services more effective and responsive and reducing the likelihood of additional children being harmed or dying in similar circumstances in the future. The decisions by government departments and other service providers to act on these recommendations or to not act on them is one way Manitobans can see how and to what degree the government is listening to the voices of children.

This responsibility, to issue, track, and report on government compliance with recommendations is arguably one of the most important of the office and allows the Advocate to systematically measure improvements in public services for children, youth, and young adults in Manitoba. The Manitoba Advocate is committed to continuing to build a relationship with the government of Manitoba that centres the rights of children and the responsibilities of departments to fulfill their obligations.

Manitobans of all ages are invited to follow this accountability work [on the Manitoba Advocate's website](#) which is updated throughout the year as recommendations and service changes progress. In addition, the Advocate will continue to release public updates and comprehensive analyses on the status and quality of public systems that provide services to Manitoba children, youth, and young adults.

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Appendix A: List Of Recommendations And Compliance Levels

Note: the arrows signify improvements since last reporting period in June 2019. Green arrows show increases in the compliance assessment, yellow arrows show no change, and red arrows show decrease in the final assessment of compliance.

Report	#	Summary	Primary Dep.	Primary Issue	Assessment	Level	Change?
Tina Fontaine	3	Evaluate Victim Support Services for children and develop quality control measures to ensure child-centered access to benefits	JUS	Victim Services	Fully Compliant	100%	↑
Mandela	4	Prohibit the use of pepper spray except in situations of immediate risk to life, enhance oversight	JUS	Pepper Spray	Fully Compliant	100%	↑
Circling Star	1	Develop and implement a provincial strategy to train service providers on information sharing, and develop, deliver and evaluate strategy in consultation with other departments	GOM	Coordination	Largely Compliant	75%	→
Mandela	3	Collect, track, analyze and publish reports of segregation incidents	JUS	Solitary Confinement	Partially Compliant	50%	→
Angel	2	Expansion of sexually exploited youth (SEY) services and evaluation of Tracia's Trust	FAM	Sexual Exploitation	Partially Compliant	50%	→
Angel	1	Develop trauma prevention and response on adverse childhood experiences (ACEs), educate service providers and public, and create interventions	GOM	Mental Health and Addictions	Partially Compliant	50%	→
Angel	5	Review and reform addiction treatment programs, create a safe and secure facility for SEY	MHSAL	Mental Health and Addictions	Partially Compliant	50%	↑
Circling Star	5	Improved communication across Manitoba Justice and improve probation orders	JUS	Probation	Partially Compliant	50%	↑

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Report	#	Summary	Primary Dep.	Primary Issue	Assessment	Level	Change?
Angel	3	Denounce sexual exploitation of children and youth and raise awareness through a public education campaign	FAM	Sexual Exploitation	Partially Compliant	50%	↑
Tina Fontaine	1	Review measurement of absenteeism, suspensions, expulsions and create a province-wide strategy to address issues	MET	Chronic Absenteeism	Partially Compliant	50%	↑
Tina Fontaine	5	Protocol to ensure that response plans are created for missing youth receiving child welfare services, and SEY in particular	FAM	Sexual Exploitation	Limitedly Compliant	25%	↑
Mandela	6	Create specialized facility for youth in custody with cognitive vulnerability and mental illness, run by health professionals	JUS	Solitary Confinement	Limitedly Compliant	25%	→
Angel	4	Conduct review, update existing CFS minimum standards and establish province-wide quality assurance measures and framework	FAM	Training CFS Minimum Standards	Limitedly Compliant	25%	↑
Tina Fontaine	2	Release a plan to implement the child and youth specific recommendations in the Virgo Report	MHSAL	Mental Health and Addictions	Limitedly Compliant	25%	↑
Circling Star	4	Develop a youth addictions action strategy	MHSAL	Mental Health and Addictions	Limitedly Compliant	25%	↑
Circling Star	3	Establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that prevent access and coordination of services	MHSAL	Mental Health and Addictions	Limitedly Compliant	25%	↑
Mandela	1	Prohibit the use of segregation over 24 hours	JUS	Solitary Confinement	Limitedly Compliant	25%	↑
Mandela	5	Enhance therapeutic behavior management alternatives in youth custody facilities	JUS	Solitary Confinement	Limitedly Compliant	25%	↑
Mandela	2	Restrict the use of segregation under 24 hours for vulnerable populations	JUS	Solitary Confinement	Limitedly Compliant	25%	↑

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Report	#	Summary	Primary Dep.	Primary Issue	Assessment	Level	Change?
Circling Star	2	Conduct a review and develop a province wide strategy to limit exclusionary practices	MET	Chronic Absenteeism	Limitedly Compliant	25%	↑
Tina Fontaine	4	Analyze Alberta's legislation and evaluate how safe and secure facilities can be introduced in Manitoba.	GOM	Mental Health and Addictions	Limitedly Compliant	25%	↑
Circling Star	6	Clarify training content and expectations of CFS minimum standards, prioritize development of training on minimum standards, train existing and new workers	FAM	Training CFS Minimum Standards	Limitedly Compliant	25%	↑
Angel	6	Amend the Youth Drug Stabilization Act, allow for longer or successive warrants to ensure medically supported withdrawal management services	MHSAL	Mental Health and Addictions	Non-Compliant	0%	→

Appendix B: Full Analysis of 23 Recommendations

COMPLIANCE DETERMINATION

Circling Star – Recommendation 1

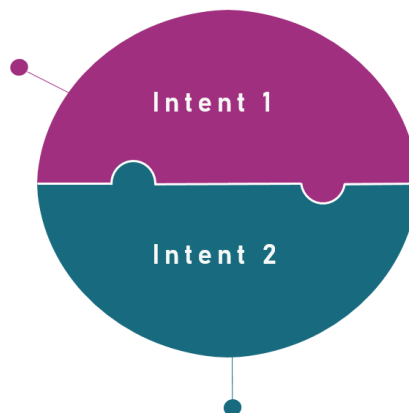
Recommendation Summary: Develop and implement a provincial strategy to train service providers on information sharing and develop, deliver and evaluate the strategy with other government departments.

Primary Public Body: Government of Manitoba

1. Develop and implement a provincial strategy to train service providers on the requirement to share information across systems

Amendments Protecting and Supporting Children (Information Sharing) Act have been made. There are demonstrated activities that fulfill the requirement to implement training to service providers and share information across systems.

Outstanding actions: a provincial strategy has not been developed.



2. The provincial strategy should be developed, delivered and evaluated in consultation with Education, Families, Justice and Health

Activities presented demonstrate consultation and involvement of all departments, meeting most requirements of this recommendation. **Actions met intent.**

COMPLIANCE DETERMINATION



Actions taken reflect implementation of a significant part of the recommendation. Activities demonstrate that training is taking place. However, activities have not been articulated into a sustainable strategy.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	Recommendation One: The Manitoba Advocate for Children and Youth recommends that the Province of Manitoba respond to the persistent lack of coordination between services for children and youth by developing and implementing a provincial strategy to train service providers on the requirement to share information across systems and ensure children and youth are at the centre of all service provision. This is to be developed, delivered, and evaluated in consultation with Manitoba Education and Training, Manitoba Families, Manitoba Justice, and Manitoba Health, Seniors and Active Living. DETAILS: - In line with <i>The Protecting Children (Information Sharing) Act</i>, this training needs to be provided to all relevant service providers in Manitoba. - As part of this strategy, an inter-ministerial working group at the director, manager, and staff levels is needed to identify and address barriers to collaborative sharing of information and ensure oversight of quality assurance protocols related to case management across service providers.
Intent(s) of Recommendation:	The intent of the recommendation is to: Develop and implement a provincial strategy to train service providers on the requirement to share information across systems The provincial strategy should be developed, delivered and evaluated in consultation with EDU, FAM, JUS and HEALTH
Issue:	Coordination
Public Body	Government of Manitoba
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 27, 2019 April 23, 2019
2. Compliance Determination	
Largely Compliant 0.75	Actions taken meet the majority of requirements for implementation; only negligible requirements remain.

3. Rationale for Determination

(How did you reach this compliance determination)

1) Develop and implement a provincial strategy to train service providers on the requirement to share information across systems

- Activities taken indicate that addressees have implemented training to service providers on the requirement to share information across system. However, a strategy has not been developed.
- Demonstrated activities that fulfill the requirement to implement training of service providers on the requirement to share information across systems include:
 - A working group developed materials to facilitate information sharing under PCISA
 - PCISA Train the Trainer sessions held in school divisions from November-December 2019. Representatives from all 37 school divisions and Manitoba First Nations School System completed the training. These designates can access the Manitoba Professional Learning Environment platform for training materials and updates. Other related groups such as clinician, discipline groups, school resource offers received PCISA presentations.
 - A cross-departmental Train the Trainer session took place January 22, 2020, including Education, Families, Health, Health Authorities, youth Justice, and Families; there were 67 participants. Organizers incorporated feedback from participants and sent updated material to attendees after the session.
 - Manitoba Families provides training to staff who request it and has made online training available to all government staff on the intranet website. It is not clear how many staff have taken the training online or how many staff are requesting it.
 - Department of Families is beginning to revise training material to reflect the amendments to PCISA such as a section to allow sharing information to support children's programming.
 - With the amendments, PCISA is now the Protecting and Supporting Children (Information Sharing) Act. No information was provided on how the amendments will impact training activities and whether there will now be a provincial strategy to train service providers given that children's programming providers are now included in the Act.

2. The provincial strategy should be developed, delivered and evaluated in consultation with EDU, FAM, JUS and HEALTH

- According to the response in June 2019, a working group has been developed between Education, Families, Justice and Health. Development of the training materials and information is being undertaken by the Department of Families. Development is ongoing given amendments to the Protecting Children's Act.
- Training has been delivered to Department of Families' staff, some Health staff, education, and justice staff. Of note, following training delivery to Children disability Services, the program updated its confidentiality and privacy forms to comply with the Act.
- A survey that evaluated the training sessions for educators which was planned for May 2020 was postponed due to COVID- 19. The survey is expected to be completed when feasible in the 2020/21 school year. No evaluation activities have been reported beyond this survey for trainees in education.

Activities presented demonstrate consultation and involvement of all departments, meeting most requirements of this intent. The Department of Families is playing a leading role in the development and delivery of training materials.

Overall, while many requirements of this recommendation have been met including the requirement to implement training and the requirement to consult across departments, the activities have not been summarized within a provincial strategy to train service providers. This a key requirement for a full recommendation compliance determination. Furthermore, evaluation activities have not yet been completed and have been delayed due to the COVID-19 pandemic. Hence, the actions taken are largely compliant as they meet the majority of requirements; however, the requirement to articulate activities into a lasting provincial strategy that ensures the sustainability of activities has not been met.

COMPLIANCE DETERMINATION

Circling Star – Recommendation 2

Recommendation Summary: Conduct a review and develop a province-wide strategy to limit exclusionary practices (school suspensions and expulsions).

Primary Public Body: Manitoba Education

1. Conduct a review of the current use of out-of-school suspensions and expulsions

A review of how school divisions track suspensions and expulsions is underway. The review will inform the use of a single tracking form as a first step to tracking the current use of out-of-school suspensions and expulsions.

Outstanding Actions: A review of use of suspensions and expulsions is not yet completed.

2. Develop a province-wide strategy to limit, reduce and phase-out exclusionary practices except in situations of imminent safety risk

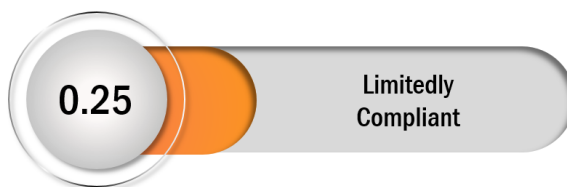
Outstanding actions: Work on a province-wide strategy has not started.

3. The review and strategy should be disciplinary alternatives that are:

- a. evidence-based,
- b. in line with the best interests of the child and
- c. respect the right of children and youth to education

Outstanding Actions: As of date a strategy has not been developed.

COMPLIANCE DETERMINATION



The review of how school divisions track suspensions and expulsions and the development of standardized tracking tools is a significant step to develop a province-wide strategy limiting exclusionary practices. However, this is a small part of the recommendation. Therefore this recommendation is limitedly compliant.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	Recommendation Two: The Manitoba Advocate for Children and Youth recommends that the Department of Education and Training through Healthy Child Manitoba (HCM), and with participation from all school divisions, conduct an urgent review of the current use of out-of-school suspensions and expulsions, and develop a province-wide strategy to limit, reduce, and phase-out exclusionary practices, except in situations of imminent safety risk to students and staff. This review and strategy should provide evidence-informed disciplinary alternatives that are in line with the best interests of the child and respect the right of children and youth to education. DETAILS: • The Department of Education and Training will develop quality assurance and information management processes to: (1) define “imminent safety risk to students and staff”, (2) assess the prevalence, duration, and nature of school suspensions and expulsions in Manitoba, (3) analyse and ensure compliance with standards and best practices, (4) provide school boards with the necessary information to develop strategies to reduce and end school suspensions and exclusionary practices, and evaluate initiatives. Changes should be data informed and made considering the unique dynamics in Manitoba. • The Department of Education and Training will implement province-wide and evidence-informed suspension and exclusion prevention policies and procedures for Manitoba schools. This is to then, in turn, inform training for: ○ School division training for teachers, principals, and superintendents; ○ Mentorship programs; and, • Alternative approaches to suspension.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Conduct a review of the current use of out-of-school suspensions and expulsions 2. Develop a province-wide strategy to limit, reduce and phase-out exclusionary practices except in situations of imminent safety risk 3. The review and strategy should be disciplinary alternatives that

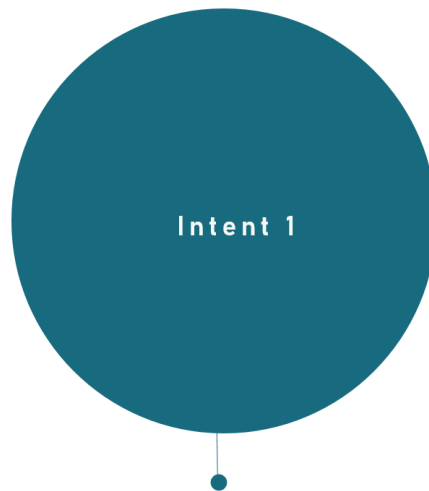
	are: a. evidence-based, b. in line with the best interests of the child and c. respect the right of children and youth to education
Issue:	Chronic Absenteeism
Primary Department:	Manitoba Education
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 27, 2019
	April 23, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. Conduct a review of the current use of out-of-school suspensions and expulsions - The Response from MACY-RAP indicated a commitment to achieving the intent of the recommendation. An established working group received feedback from school divisions related to how the divisions are tracking suspension and chronic absenteeism. The information is intended to form the basis of a template that can be used universally across school divisions to report on suspension and chronic absenteeism rates. - The data collected is intended to provide an evidence base to inform strategies to identify trends and reduce use of suspensions. Work on this initiative will resume in the fall of 2020 with the return to in-class instruction. - The examination on how school divisions track suspensions and chronic absenteeism and the use of a single tracking forms is a promising and necessary first step to reviewing the current use of out-of-school suspensions and expulsions. However, a review of the use of suspensions and chronic absenteeism is not yet completed. 2. Develop a province-wide strategy to limit, reduce and phase-out exclusionary practices except in situations of imminent safety risk - As of yet, work a province-wide strategy has not been developed, activities are focused on the development of reliable data on chronic absenteeism and suspensions. 3. Review and strategy should be disciplinary alternatives that are evidence-based, in line with the best interests of the child and respect the right of children and youth to education - As of date a strategy has not been developed because the public body is collecting data. There have been promising steps to the implementation of this recommendation. However, action taken to date only fulfill requirements to a limited degree, resulting in a significant deficiency in the implementation and a limitedly compliant determination.	

COMPLIANCE DETERMINATION

Circling Star – Recommendation 3

Recommendation Summary: Establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that prevent access and coordination of services.

Primary Public Body: Manitoba Health, Seniors and Active Living

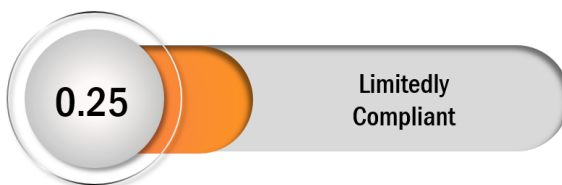


1. Implement Virgo recommendation 5.4: establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that prevent access and coordination of services.

The development of the Jordan's Principle working group and the efforts made to meet with federal officials, including the Prime Minister, demonstrate that activities are occurring to assess the coordination of services and the reduction of jurisdictional boundaries.

Outstanding Action: Further description of the specific goals of the Jordan's Principle working group is required. Additionally, more detail is needed in reference to how this work will help improve access to and coordination of services.

COMPLIANCE DETERMINATION



Actions taken implement a small part of the recommendation by demonstrating increased communication with the Federal government, indicating limited compliance. No actions were reported on the details of the recommendation, lending this recommendation to being assessed as limitedly compliant.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	Recommendation Three: The Manitoba Advocate for Children and Youth recommends the Department of Health, Seniors and Active Living implement, in full, recommendation 5.4, per the Virgo report, as follows: <i>“Establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that challenge access to, and coordination of, services. The process of developing this [Manitoba’s Mental Health and Addictions] Strategy, as well as any new opportunities and resources for working together (e.g., through Jordan’s Principle), should be viewed as an accelerator of a new period of trust and collaboration based on shared beliefs and strengths among all partners, and should include an interest in wellness, hope and families/community health.”</i> DETAILS: Specifically, provisions in the following areas are needed within Manitoba’s Mental Health and Addictions Strategy: • Post-discharge supports for children and youth who have experienced mental health concerns, including addictions issues; • A continuum of services, reflective of culturally-safe and trauma-informed approaches, for all of Manitoba’s children and youth, including Indigenous children and youth, and those who live in First Nations communities; and • A continuity of care model that ensures equitable standards of service when First Nations children and youth return to their home communities.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Implement Virgo recommendation 5.4: establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that prevent access and coordination of services.
Theme:	Mental Health and Addictions
Primary Department:	Manitoba Health, Seniors and Active Living
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 30, 2019
2. Compliance Determination	
Limitedly Compliant	Actions taken only implement a small part of the recommendation,

0.25	requirements are fulfilled to a limited degree resulting in a significant deficiency in implementation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. Implement Virgo Recommendation 5.4: Establish a concerted cross-sectoral process to reduce perceived and real jurisdictional boundaries that prevent access and coordination of services. • Jordan's Principle Working Group (June 2020): continued to meet in the early part of 2020. • Meeting with federal officials (June 2020): to get an update on the implementation of Jordan's Principle. Occurred in January 2020. • Letter to the Prime Minister (Dec. 2019): Inviting the Manitoba and Federal governments to participate in a tripartite Jordan's Principle Equity Roundtable. This letter was responded to by Minister Clarke who welcomed further discussion. The development of the Jordan's Principle working group and the efforts made to meet with federal officials, including the Prime Minister, demonstrate that activities are occurring to assess the coordination of services and the reduction of jurisdictional boundaries. However, it remains unclear what the specific goals of the Jordan's Principle working group entail and how this work will help improve access to and coordination of services. Actions taken implement a small part of the recommendation by demonstrating increased communication with the Federal government, indicating limited compliance. No actions were reported on the details of the recommendation.	

COMPLIANCE DETERMINATION

Circling Star – Recommendation 4

Recommendation Summary: Develop a youth addiction strategy.

Primary Public Body: Manitoba Health, Seniors and Active Living

5. Implementation of policy and procedures for provincially-funded addictions services organizations that ensure ongoing training on the identification and reporting of child protection issues

No action, evidence, or justification for inaction was reported on this requirement. **All actions outstanding.**

1. Create a service inventory of Manitoba youth addictions services

Outstanding Action: There has been no action, evidence or justification for inaction reported in reference to conducting a service inventory of Manitoba youth addictions services.

2. Evaluate the gaps in treatment and addiction services

Outstanding Action: There has been no action, evidence or justification for inaction reported in reference to implementing provincially-funded addiction services policy and procedures.

3. Implement substance use addictions programs

The expansion of Neechewam INC., investment in school-based treatment programs, the development of the Community Emergency Department Violence Intervention Program and the expansion of NorWest Youth Hub have demonstrated activity towards implementing substance use addictions programs.

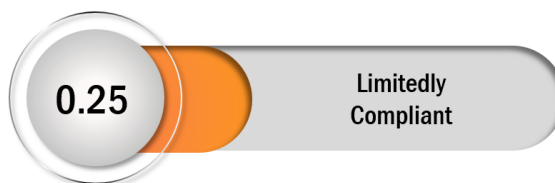
Outstanding Action: Full implementation of Neechewam INC. is required.

4. Evaluate treatment and addictions programs

The Addictions Foundation of Manitoba as AFM has undertaken an internal review of their youth programs that has resulted in increased occupancy at Compass as well as moving youth addiction counsellors into community organizations to improve accessibility of youth services.

Outstanding Action: A copy of this review needs to be provided to MACY. It is unclear if there are additional reviews that will take place of provincial treatment and addictions programs.

COMPLIANCE DETERMINATION



While it is clear that there have been actions taken to promote and enhance mental health resources in Manitoba, it remains unclear what steps have been taken to develop a youth addictions strategy. The information provided does not provide a sufficient justification or evidence for meeting the intent of this recommendation. Thus, this response is limitedly compliant.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	Recommendation Four: The Manitoba Advocate for Children and Youth recommends that the Department of Health, Seniors and Active Living, together with front-line addiction service providers in Manitoba, Healthy Child Manitoba, Indigenous communities, and subject matter experts on addictions, immediately respond to the lack of effective substance use treatment services for youth by prioritizing the development and implementation of a youth addiction action strategy. This strategy should be based on best practice evidence with the objective of ensuring that children and youth across Manitoba can exercise their right to the highest attainable standards of health. DETAILS: • That the Department of Health, Seniors and Active Living, go beyond the VIRGO analysis and conduct a service inventory of all child and youth addiction services in Manitoba, their locations, target populations, philosophies, eligibility criteria, utilization rates, and occupancy rates. • That the Department of Health, Seniors and Active Living expand upon the VIRGO analysis to evaluate existing gaps in substance use treatment and addiction services available to children and youth, including recommendations as to how existing services could be repurposed. • That the Manitoba's Mental Health and Addictions Strategy developed by the Department of Health, Seniors and Active Living include a plan that ensures implementation of evidence-informed family-centred substance use and addiction programs. • That the Department of Health, Seniors and Active Living oversee regular performance monitoring and program evaluations to ensure that all publicly-funded and provincially-mandated agencies are accountable to provide evidence-informed addiction services and programs for children and youth. • That all provincially-funded addiction service providers working with children and youth implement policies and procedures for

	ongoing training on the identification and reporting of cases where a child is in need of protection as outlined in <i>The Child and Family Services Act</i> .
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Implement a youth addictions action strategy that includes: • A service inventory of Manitoba youth addictions services • An evaluation of the gaps in treatment and addiction services • Implementation of substance use addictions programs • An evaluation of treatment and addictions programs • Implementation of policy and procedures for provincially-funded addictions services organizations that ensure ongoing training on the identification and reporting of child protection issues
Theme:	Mental Health and Addictions
Issue:	Substance Use Treatment
Public Body	Manitoba Health, Seniors and Active Living
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 26, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	Actions taken only implement a small part of the recommendation. Specifically the intent to conduct an evaluation of addictions and treatment programs was somewhat met, and; the implementation of substance use programs.
3. Rationale for Determination (How did you reach this compliance determination)	
1. Implement a youth addictions action strategy that includes: • A service inventory of Manitoba youth addictions services No action, evidence, or justification for inaction reported in this requirement. • An evaluation of the gaps in treatment and addiction services No action, evidence, or justification for inaction reported associated with this requirement. • Implementation of substance use addictions programs ○ Expanding Neechewam's Winnipeg Facility (News Release, December 2019) ○ Provincial investment of \$4.4 million to enhance access to mental health and addictions supports in school (News Release, December 2019) ○ Community Emergency Department Violence Intervention Program (June 2020) ○ Other recent investments in MHSAL have included CEDVIP, expansion of NorWest Youth Hub and trauma services expansion (The Laurel Centre and Klinik) (June 2020) • An evaluation of treatment and addictions programs ○ One service provider, the Addictions Foundation of Manitoba (AFM) has undertaken an internal review of their youth programs that has resulted in increased occupancy at Compass as well as moving youth addiction counsellors into community organizations to improve accessibility of youth services (June	

2020). No actions were reported on evaluations of programs not implemented through AFM.

- **Implementation of policy and procedures for provincially-funded addictions services organizations that ensure ongoing training on the identification and reporting of child protection issues**
 - No action or evidence, or justification for inaction was reported for this requirement.

While it is clear that there have been actions taken to promote and enhance mental health resources in Manitoba, it remains unclear what steps have been taken to develop a youth addictions *strategy* that considers: a service inventory of Manitoba youth addictions services; an evaluation of the gaps in treatment and addiction services; and implementation of policy and procedures for provincially-funded addictions services organizations that ensure ongoing training on the identification and reporting of child protection issues.

The addressee identifies actions as an alternate solution, however, information provided does not provide sufficient justification or evidence for meeting the intent of the recommendation with alternative actions. Actions taken implement small parts of the recommendation. Thus, the response is limitedly compliant.

COMPLIANCE DETERMINATION

Circling Star – Recommendation 5

Recommendation Summary: Improved communication across Manitoba Justice and improve probation orders.

Primary Public Body: Manitoba Justice

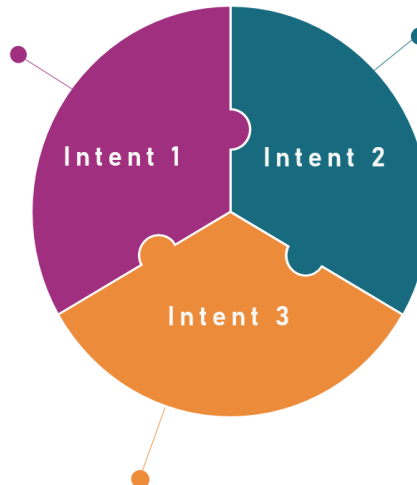
1. To improve communication across Manitoba Justice divisions.

Manitoba Justice reported the development of Judge Liaison Meetings attended by the Crown, Defense, Custody, Probation and Policing to improve communication and sharing of information. **No outstanding actions.**

2. To ensure probation orders are relevant, effective, child-centered, realistic, and achievable – with consideration given on how services are delivered to remote and rural communities.

Reclaiming Our Identity is offered in some remote/rural communities but there is not much uptake with youth. The FASD docket is promising that could lead to improvements in probation orders.

Outstanding action: Provide information on how the FASD docket has improved probation orders.



3. To evaluate departmental capacity to provide sufficient, accessible, and culturally appropriate programming and alternatives.

Manitoba Justice indicated that the youth justice review will evaluate departmental capacity to provide culturally appropriate and accessible programming, but this review is not yet complete.

Outstanding action: release the youth justice review with details on planned improvements to probation orders and programming in rural or remote communities.

COMPLIANCE DETERMINATION

0.50

Partially
Compliant

Actions such as the youth justice review and Judge Liaison Meetings reflect partial compliance with the recommendation.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	Recommendation Five: The Manitoba Advocate for Children and Youth recommends that the Department of Justice improve communication across the divisions within its department, including probation services, victim services, and prosecution services, as well as with the legal community (e.g., legal aid), and the courts to ensure that probation orders are relevant, effective, child-centred, realistic (given limitations in remote and rural communities), and achievable. The Advocate further recommends that the Department of Justice evaluate their capacity to provide the programming for youth to meet their probation conditions and determine whether or not existing programs and services are sufficient and accessible to youth living in rural and remote locations. When gaps are identified, strategies for culturally appropriate alternatives and program delivery need to be developed. DETAILS: • The Advocate recognizes that it does not have jurisdiction over the courts. Following this report, we recommend that the Department of Justice initiate a process of improved communication and dialogue within its department, with the courts, and other key stakeholders to ensure that probation orders are relevant, effective, child-centred, realistic, and achievable. • The Department of Justice's evaluation of existing capacity to provide programming for youth to meet their probation conditions should contain an overview of existing accountability data and analysis of the effectiveness and accessibility of current services and programming delivered to youth in Manitoba. • A plan is needed for situations when probation services do not have the capacity to provide ongoing supervision, monitoring, or formal programming such that collaboration and partnership with local communities occurs to devise a strategy to deliver these services.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To improve communication across Manitoba Justice divisions. 2. To ensure probation orders are relevant, effective, child-centred, realistic, and achievable – with consideration given on how

	services are delivered to remote and rural communities. 3. To evaluate departmental capacity to provide sufficient, accessible, and culturally appropriate programming and alternatives.
Theme:	Youth Probation
Public Body	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 26, 2019
2. Compliance Determination	
Partially Compliant 0.50	Actions taken only implement part of the recommendation. Important requirements have been met; certain deficiencies affect the adequacy of the implementation, but without resulting in a situation where the given recommendation has not been acted upon.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. To improve communication across Manitoba Justice divisions. The MACY-RAP December 2019 and June 2020 responses both indicate: - That there have been movements to improve communication across Manitoba Justice Departments including Judge Liaison Meetings that include representatives from the Crown Attorneys (provincial and federal, and the Director of Regional Prosecutions), Defense, Custody, Probation (Executive Director of Probation Services), and the Executive Director of Policing. - The objective of these meetings is to “continue building and improving upon the communication and sharing of information”. Initiatives taken to enhance communication are compliant with the first intent of this recommendation. 2. To ensure probation orders are relevant, effective, child-centred, realistic, and achievable – with consideration given on how services are delivered to remote and rural communities. - The Reclaiming Our Identity program continues to be offered in communities. However, the program is not specifically for children or youth, and according to reports there is not much uptake at present in light of the pandemic and the lack of critical mass for youth-only group sessions. - The Fetal Alcohol Spectrum Disorder docket has been established, and is now being expanded to include youth. This is a promising initiative that could lead to more relevant, effective, child-centered, and realistic probation orders. However, no information was provided on how the FASD docket for youth has improved probation orders, as per the intent of the recommendation. 3. To evaluate departmental capacity to provide sufficient, accessible, and culturally appropriate programming and alternatives. - Manitoba Justice reported that a review of the current youth justice system in Manitoba is underway, and includes the evaluation of departmental capacity to provide culturally appropriate and accessible programming. - This review will consider the child welfare system, and has the intended goal of increasing supports for youth; reducing re-offending, and reducing reliance on incarceration of youth.	

- Manitoba Justice reported that the youth justice review which includes the evaluation of departmental capacity to provide programming and alternatives is not yet complete.

Requirements have been fulfilled on Intent #1 and to some degree on Intent #3 of this recommendation. However, full compliance on Intent #3 is contingent on the outcome of the youth justice review. Further information is needed on improvements to probation orders, particularly for residents in rural and remote communities.

COMPLIANCE DETERMINATION

Circling Star – Recommendation 6

Recommendation Summary: Clarify training content and expectations of CFS minimum standards, prioritize developing training on minimum standards and train existing and new workers.

Primary Public Body: Manitoba Families

1. Clarify training content and expectations of workers and supervisors with respect to CFS minimum provincial standards

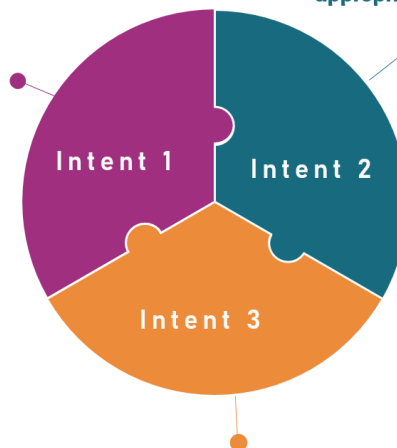
No actions reported toward clarifying content and expectations of workers and supervisors to respect existing CFS minimum provincial standards.

Outstanding Action: Completing the review and incorporation of recommendations from the Child Welfare Legislative Review Committee.

2. Prioritize the development of training on the minimum provincial standards that is high-quality, culturally appropriate, modernized within two years

Early steps to prioritize training on select modules of minimum standards. However plans are pilots and no timelines were provided.

Outstanding Action: Sustainability of training on minimum provincial standards given the cancellation of existing CORE competency training.

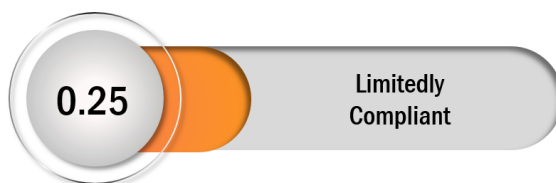


3. All existing workers who have not received training on minimum standards and new CFS workers within 2-3 months

The Department of Families or Authorities could not report on minimum standards training within 3 months and only one Authority was able to report on case management training for new staff within one year of their start date.

Outstanding Action: The Department of Families committed to collect up-to-date data on staff training on minimum standards.

COMPLIANCE DETERMINATION



Actions such as prioritization of select modules on minimum standards and a commitment to collect data on staff training on minimum standards reflect limited compliance with the intent of the recommendation.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	Recommendation Six: The Manitoba Advocate for Children and Youth recommends that the Department of Families in partnership with the Child and Family Services (CFS) Authorities: (1) clarify training content and expectations of workers and supervisors with respect to CFS minimum provincial standards, and (2) prioritize the development of high quality, culturally appropriate, modernized, and accessible training on the minimum provincial service standards within two years. The Advocate further recommends that all existing workers who have not received training on minimum standards and all new CFS workers be required to complete this training within three to six months. DETAILS: • That the Department of Families work with the four CFS authorities to clearly define training content, timelines, and requirement for CFS workers and supervisors per s.1.3.1 of the minimum standards manual. • That the CFS authorities ensure that their CFS agencies adhere to standard 1.8.1 <i>Workforce Qualifications</i> and that clear education and training plans are developed and monitored for staff who do not meet this standard.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Clarify training content and expectations of workers and supervisors with respect to CFS minimum provincial standards 2. Prioritize the development of training on the minimum provincial standards that is high-quality, culturally appropriate, modernized within two years 3. All existing workers who have not received training on minimum standards along with new CFS workers be required to complete CFS minimum standards training within 2-3 months
Issue:	Training CFS Minimum Standards
Public Body	Manitoba Families
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 27, 2019

	April 23, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	Actions taken fulfill requirements to a limited degree resulting in significant deficiency in implementation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. Clarify training content and expectations of workers and supervisors with respect to CFS minimum provincial standards - The Department of Families reported that there are a number of amendments to the CFS minimum provincial standards that are preventing action on this requirement of the recommendation. An Act Respecting First Nations, Inuit and Metis Children, Youth and Families came into effect on Jan 1, 2020. Section 12(1) of the legislation requires the CFS agency to provide notice to an Indigenous child's parent, caregiver or relevant Indigenous Governing Body before service providers take any significant measure regarding the provision of CFS to the child. The Department of Families will respond to the new law through updates to CFS Standards to reflect new responsibilities. The four CFS Authorities will establish protocols and materials to support CFS Agencies with the requirements for notification under Section 12. Each authority will be responsible for compliance with Section 12 and First Nations communities will work with their CFS Agency. - Furthermore, The Child Welfare Legislative Review Committee's Recommendations to the Province included changes to <i>The Child and Family Services Act</i> (CFSA), which are under review. With changes to The CFSA, the CFS Authorities-Regulations will require changes as well as the CFS Standards. - No actions have been reported towards clarifying the content and expectations of workers and supervisors with respect to existing CFS provincial standards. Justification for inaction is that the Act and recommendations from The Child Welfare Legislative Review Committee will lead to changes in the CFSA, Regulations, and CFS Standards which are currently being reviewed and incorporated. According to the Department of Families, an update to communication and training materials will follow. 2. Prioritize the development of training on the minimum provincial standards that is high quality, culturally appropriate, modernized within two years - In a meeting of the Standing Committee (comprised of CEOs of Authorities and the Director of Child and Family Services) in September 2020, the Department of Families indicated that training gaps were identified in abuse investigations training, standards, regulations, legislation and funding, clinical supervision and others. A Child Abuse Training pilot was proposed which provides an introduction to abuse investigations and skills training. Intake Module and the Child and Family Services Information System (CFSIS) training was identified as a need. This training is based on provincial minimum standards. In October, online CFSIS training will be piloted with the goal of making it a sustainable and accessible learning tool. - Simultaneously, the Department of Families reported that CORE competency training, which includes training on minimum provincial standards, has been suspended indefinitely as of April 2020 because "it does not meet the needs of consumers" - Actions reported indicate that early steps have been taken to prioritize training on select	

modules of the minimum provincial standards. Plans to create online tools are promising strategies to modernize the training. However, plans are considered pilots and no timelines were provided. No documentation was provided to ensure the sustainability of training on minimum standards for employees of the child welfare system in Manitoba, given the cancellation of existing CORE competency training.

3. All existing workers who have not received training on minimum standards along with new CFS workers be required to complete CFS minimum standards training within 2-3 months

- In previous updates, the Department of Families has indicated that existing and new workers are required to complete CFS minimum standards training. Upon request of additional information from the Authorities and Department of Families, no one reported CFS minimum standards training within 3 months and only one Authority was able to report on case management training for new staff within one year of their start date.
- Further information was requested from the Authorities (First Nations of Northern Manitoba, Southern First Nations Network of Care, General Child and Family Services and Metis Child and Family). Three out of the four Authorities responded to MACY follow up questions. These Authorities include:
 - Southern First Nations Network of Care (responded to questions but did not submit further information prior to finalization of this compliance assessment)
 - Metis Child and Family (submitted information)
 - General Child and Family Services (submitted information after the deadline)

The General Child and Family Services Authority reported that at least 95% of new employees across their service system have received training on case management standards within one year of employment.

Responses from the Metis Child and Family Authority and Southern First Nations Network of Care indicate that they are not collecting data from Agencies on the number and percentage of new employees receiving training within 2-3 months of their start date or the number of existing employees who received training since this recommendation was made. The rationale provided was that the agencies are responsible for training and the Authority does not have information related to when an employee has been hired or when they receive training.

- The Department of Families' Child and Youth Services Division (CYSD) recognized there is no current process to measure training on minimum standards for current and new employees within the timelines required by Section 1.8.3. [Training and Development](#) which states that all agency field staff must receive training within 12 months of the start date or Section 1.3.1 [Child Protection Services](#) which states that within three months of start date all workers and supervisors received information about *The Child and Family Services Act* and other. The Department of Families made two commitments:
 - To formally follow up with the four Authorities on the provision of standards training that is culturally safe and appropriate related to CFS Minimum Standards for supervisors and workers and formally ask for more detailed reporting data from the Authority partners.
 - To follow up with Authorities respecting the collection of up-to-date data on staff participation in Standards training including data on staff trained within 2-3 months on

CFS minimum standards.

The Minister, Director and Authorities have an ongoing legal responsibility to ensure the quality of child welfare services as articulated in the legislation that was proclaimed in 2003, *the Child and Family Services Authorities Act* (The Authorities Act). The Authorities Act states that CFS Authorities have a duty to ensure that agencies follow the practices and procedures in accordance to culturally appropriate standards (S.19.(e)), and ensure that those standards are consistent with provincial standards, including training discussed above (S. 19.(d)). In turn, the Minister of Families is responsible to monitor and assess how authorities carry out their responsibilities, including their responsibility to ensure training occurs (S.24.(c)).

The legal responsibilities of the Minister, Director and Authorities have been ongoing since 2003 but information provided by the Department of Families and the Authorities indicates that there is a lack of engagement with their legislated roles to ensure that standards are met in relation to staff training, specifically evidenced by the lack of data collection on staff who have completed CFS minimum standards training within 3 months or at all and overall monitoring of this issue as per s. 24(c) of the Authorities Act. Furthermore, with the cancellation of CORE competency training no alternative trainings on CFS minimum standards were reported.

The commitment to collect up-to-date data indicates that early steps are being taken to address compliance with this recommendation. However, none of the requirements have been met. Assessment thus deems this recommendation limitedly compliant. The Manitoba Advocate continues to be concerned about deficiencies in the quality assurance structure and framework for the child welfare system and its effect on the services for children, youth, young adults, and families in Manitoba.

COMPLIANCE DETERMINATION

Angel's Story- Recommendation 1

Recommendation Summary: Develop trauma prevention and response on adverse childhood experiences (ACEs), educate service providers and public, create interventions.

Primary Public Body: Government of Manitoba

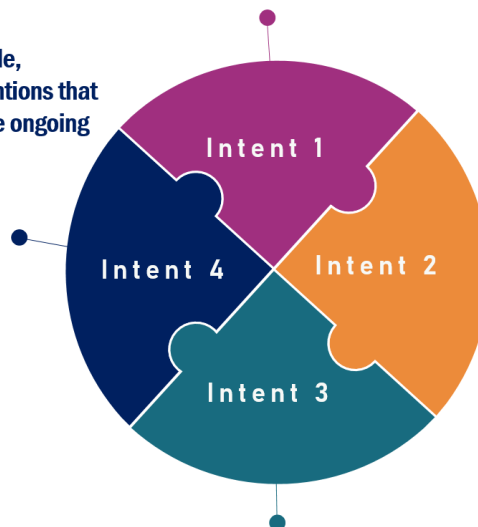
1. Develop a trauma prevention and response plan on Adverse Childhood Experiences (ACEs)

No evidence was provided to indicate that a trauma prevention and response plan on ACEs has been developed.

Outstanding Action: A response plan on ACEs needs to be developed.

4. Creating appropriate, accessible, immediate and long-term interventions that are evidence based to address the ongoing trauma crisis in Manitoba

There is evidence of new and expanded programs that are accessible, both immediate and long-term which address the trauma crisis in Manitoba. **Intent of recommendation met.**



2. Educate service providers

Some activities were implemented, meeting the requirement to educate service providers but this is limited to the Departments of Family and Health, Seniors and Active Living.

3. Educate the public on Adverse Childhood Experiences

A public education initiative to educate children on ACEs was reported. However the initiative is limited in reach to children and youth in grades 7-12.

Outstanding Action: Public education initiatives targeting a wider age range and population.

COMPLIANCE DETERMINATION

0.50

Partially
Compliant

Activities aimed at educating service providers and new and expanded intervention programs addressing the on-going trauma crisis, partially meet the intent of the recommendation.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	In Need of Protection: Angel's Story
Date Released:	12/13/2018
Full Recommendation: (including details)	Recommendation One: The Manitoba Advocate for Children and Youth recommends that Manitoba Education and Training, Manitoba Families, Manitoba Justice, and Manitoba Health, Seniors and Active Living engage with experts in childhood trauma and Adverse Childhood Experiences (ACEs) in order to develop a trauma prevention and response plan of action to (a) educate service providers and the public on ACEs, and create appropriate, accessible immediate and long-term evidence informed interventions to address the trauma crisis that is ongoing in Manitoba.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Develop a trauma prevention and response plan on Adverse Childhood Experiences 2. Educate service providers on ACEs 3. Educate public on ACEs 4. Create appropriate, accessible immediate and long-term interventions that are evidence based to address the ongoing trauma crisis in Manitoba
Issue:	Mental Health and Addictions
Primary Department:	Government of Manitoba
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 27, 2019
2. Compliance Determination	
Partially Compliant 0.50	Actions taken only implement part of the recommendation
3. Rationale for Determination (How did you reach this compliance determination)	
1. Develop a trauma prevention and response plan on Adverse Childhood Experiences • There has been no evidence provided to indicate that a trauma prevention and response plan on ACEs has been developed. 2. Educate service providers on ACEs • Manitoba Health, Seniors and Active Living reported initiatives including the Newcomer Trauma-Focused services and funding to Prairie Mountain Health to provide Trauma-Focused Cognitive Behavioural Therapy for Children and Adolescents training to 15 staff. While the training is consistent with the intent of the recommendation, the training is limited in geography and reach to a small proportion of service providers.	

- Department of Families indicated that Trauma and Resilience Training designed in 2017 provides staff with appropriate and effective ways to support clients struggling with the effects of trauma and the tools to implement trauma and resilience informed-approaches. This training became mandatory for some branches in the Employment and Income Assistance program. As of March 2020, 506 Department of Families employees received the training from the following program areas: Early Learning and Child Care, Employment and Income Assistance, Child and Family Services, Centralized Services and Resources, Family Conciliation, and Manitoba Housing. The Department of Families also indicated that the issue of trauma is addressed in its two-day working with refugees training. The activities outlined meet the intention of educating service providers.
- Manitoba Justice has identified implementing “Road to Mental Readiness” training. However, it was not clear how this training relates to ACEs.
- Some activities have been taken which meet the requirement to educate service providers but this is limited to the Departments of Family and Health, Seniors and Active Living. More information is required to assess implementation in the Departments of Justice and Education.

3. Educate public on ACEs

- One public education initiative was reported. The Manitoba Education and Manitoba Justice granted \$63,900 to the Winnipeg Police Service to create a video series regarding complex trauma for presentation to children in grades 7-12 (2018-19). The goal was to educate youth about trauma and how it can lead to substance use, gang involvement, exploitation, etc. The project is intended to be evaluated. This project is limited in reach to children and youth in grades 7-12.

4. Create appropriate, accessible immediate and long-term interventions that are evidence based to address the ongoing trauma crisis in Manitoba

- On November 4, 2019 the Department of Families announced the expansion of existing services and creation of new initiatives to address trauma for youth in Manitoba including:
 - Expanding Klinik Community Health Centre’s drop-in counselling program by eight hours each week, expanding access to more than 600 additional Manitobans per year. This drop-in counselling is for anyone aged 13 or older. This expansion increases accessibility to immediate trauma intervention.
 - Creating a seven-day-a-week centralized trauma intake and referral service at Klinik; this applies to all ages, genders and background. This new program meets the accessibility and immediacy requirements of this recommendation.
 - Expanding Klinik’s longer-term trauma counselling program, allowing for about 80 additional clients to be helped annually. MACY contacted Klinik about the eligibility criteria for Klinik’s longer term trauma counselling program which is cited as 18 years of age and over. The program remains promising for youth 18-21, however a youth such as Angel who is under the age of 18, would be unable to access long-term trauma interventions through this program.
- Two additional initiatives were cited as indirectly related to the recommendation including the Newcomer Trauma-Focused Services and the Community Emergency Department Violence Intervention Program (CEDVIP).

- The Newcomer Trauma-Focused Services was described by Manitoba Health, Seniors and Active Living, in response to this recommendation. Given that this initiative is directed at newcomer trauma focused-services, the eligibility criteria for this program would likely exclude an Indigenous youth like Angel. Nevertheless, the program creates supports for children and families that have experienced trauma.
- Manitoba Health, Seniors and Active Living provided an update regarding CEDVIP. The program serves youth and young adults who present to emergency rooms following an injury due to a violent incident. However, the information provided does not contextualize what are violence-related injuries and whether youth such as Angel who are sexually exploited would be able to access CEDVIP. The CEDVIP is a promising program as youth and young adults are provided with wraparound care involving housing, employment, and Indigenous ceremony.

Information provided evidences the development of new and expansion of existing programs that are accessible, both immediate and long-term and address the trauma crisis in Manitoba, meeting the requirements of this section of the recommendation.

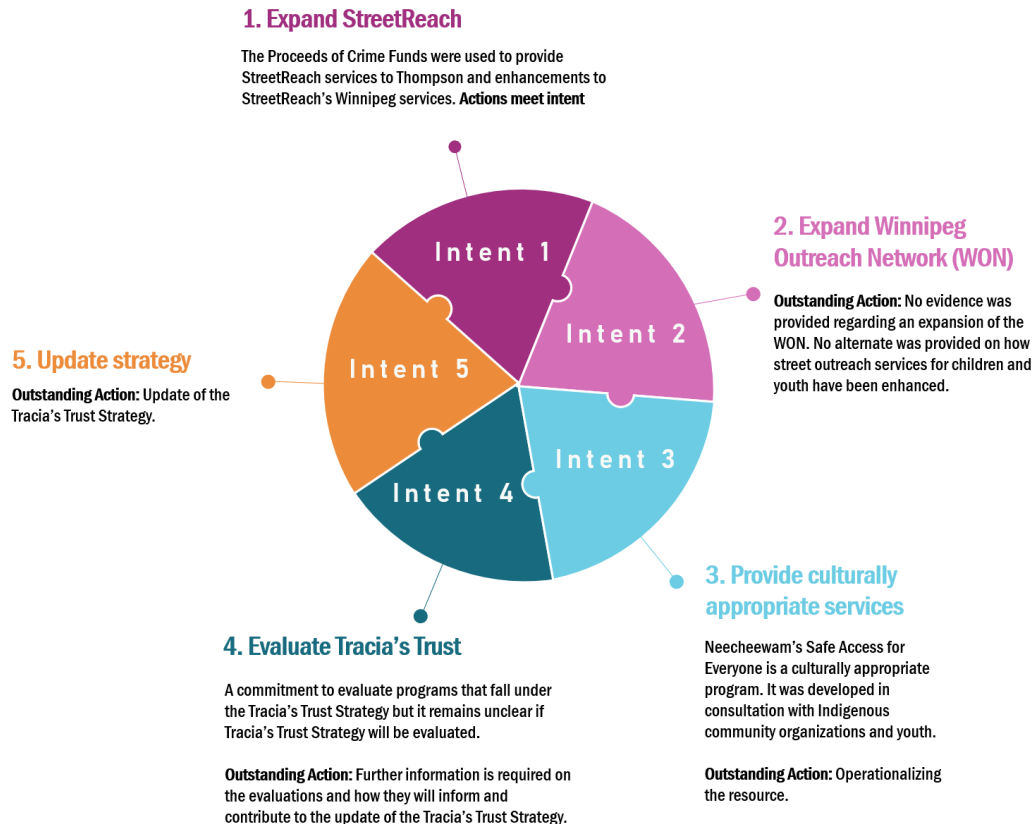
Overall, actions only implement part of the recommendation, including the creation of new interventions and some training to service providers. However, requirements to develop a trauma prevention and response plan or to educate the public on ACEs have not been addressed.

COMPLIANCE DETERMINATION

Angel's Story- Recommendation 2

Recommendation Summary: Expansion of services for sexually exploited youth and evaluation of Tracia's Trust.

Primary Public Body: Manitoba Families



COMPLIANCE DETERMINATION



Actions undertaken implement important requirements but deficiencies remain including an evaluation and update of Tracia's Trust, Manitoba's child and youth sexual exploitation strategy.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	In Need of Protection: Angel's Story
Date Released:	12/13/2018
Full Recommendation: (including details)	Recommendation Two: The Manitoba Advocate for Children and Youth recommends that the Department of Families, in collaboration with Manitoba Education and Training, Manitoba Justice, and Manitoba Health, Seniors and Active Living, in consultation with Manitoba Status of Women, Indigenous and Northern Relations, the Winnipeg Police Service and the Royal Canadian Mounted Police, (1) expand Street Reach, Winnipeg Outreach Network (WON), and culturally appropriate services in First Nations and rural and remote communities; and (2) independently evaluate and then update Tracia's Trust: Manitoba's Sexual Exploitation Strategy. DETAILS: These activities should include: • The release of the Department of Families' research entitled, <i>Collaboration and Best Practices to End Human Trafficking and Sexual Exploitation in Manitoba</i>; • Ongoing data collection to inform clear performance measurements reflected in service purchase agreements (SPAs); • An independent third-party external evaluation of the outcomes and outputs of the Strategy to be published upon completion. This evaluation should utilize the Department of Families' research and specifically include analysis of existing ○ specialized group and foster care placements for sexually exploited youth, ○ crisis stabilization support for sexually exploited youth, ○ sexual exploitation investigations, ○ regional teams funded by Tracia's Trust, ○ provincial training on the sexual exploitation of children and youth, ○ the effectiveness of the Strategy for children and youth who are not in care; and ○ the effectiveness of the Strategy in Indigenous communities as per Indigenous methods of evaluation; • A pilot of TERF's Sexual Exploitation Risk Assessment Tool across the four Child and Family Services Authorities;

	- The development of a continuum of care informed by youth consultation and collaboration with Indigenous partners (e.g. Manitoba Keewatinowí Okimakanak and Southern Chiefs' Organization) to create/reform service programs to address the co-occurring needs of sexually exploited youth (e.g. mental health, addictions, justice, and education); and - An expansion of StreetReach (including youth who are not in care), the Winnipeg Outreach Network (WON), and services for youth who are sexually exploited in First Nations and remote and rural communities. The expansion of each of these services should be paired with continuous quality improvement tracking tools to monitor outcomes, track progress towards service delivery goals, and respond to the evolving needs of sexually exploited youth.
Intent(s) of Recommendation:	The intent of the recommendation is to: Expand StreetReach Expand WON Provide culturally appropriate services Evaluate Tricia's Trust Update strategy
Issue:	Sexual Exploitation
Primary Department:	Manitoba Families
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 27, 2019
2. Compliance Determination	
Partially Compliant 0.50	Actions taken only implement part of the recommendation
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
Expand StreetReach - The Proceeds of Crime Funds were used to provide bi-monthly work by StreetReach with RCMP in Thompson (Dec 2019 response synopsis). The Province also made enhancement to the existing StreetReach Winnipeg services to include specialized mental health, addictions, and spiritual care/elder supports. This intent of the recommendation was met. Expand the Winnipeg Outreach Network - No evidence was provided regarding an expansion of the Winnipeg Outreach Network. No alternative was provided to indicate how support for street outreach services for children and youth in Winnipeg have been enhanced. Provide culturally appropriate services - The Department of Families updated on a delay in full opening of Neecheewam's Safe Access for Everyone, a culturally appropriate program, to summer 2020 due to building renovations. Activities that were completed by the department included: hiring two staff to begin relationship building with youth involved in StreetReach Winnipeg who are staying in Strong Hearts Crisis Stabilization Unit and are the youth who will be transferred to the Neechewam facility. Individualized case plans developed with guardian and other service providers	

involved. The placement is being developed in consultation with Indigenous community organizations and youth. This resource is not yet operational.

4. Evaluate Tricia's Trust

- FAM indicated that evaluation of the StreetReach enhancements, land based healing through Clan Mothers, and Neecheewam will be part of a larger evaluation of services provided through the bi-lateral funding agreement. Programs have been participating in the design of the evaluation. Neecheewam will also undertake an internal evaluation of its treatment facility named Safe Access for Everyone (SAFE). Expansion of services after 2021/2022 will be determined in the future.
- The response indicates a commitment to the evaluation of programs that fall under the Tracia's Trust Strategy but it remains unclear whether Tracia's Trust Strategy will be evaluated. Further information is needed on the evaluations and how they will inform and contribute to the updating of the Tracia's Trust Strategy.

5. Update strategy

- There has been no evidence submitted as to the update of the Tracia's Trust Strategy.

DETAILS:

- The release of the Department of Families' research entitled, *Collaboration and Best Practices to End Human Trafficking and Sexual Exploitation in Manitoba* (completed)
- Ongoing data collection to inform clear performance measurements reflected in service purchase agreements (SPAs); (not evidenced)
- An independent third party external evaluation of the outcomes and outputs of the Strategy to be published upon completion. This evaluation should utilize the Department of Families' research and specifically include analysis of existing (not evidenced)
 - specialized group and foster care placements for sexually exploited youth,
 - crisis stabilization support for sexually exploited youth,
 - sexual exploitation investigations,
 - regional teams funded by Tracia's Trust,
 - provincial training on the sexual exploitation of children and youth,
 - the effectiveness of the Strategy for children and youth who are not in care; and
 - the effectiveness of the Strategy in Indigenous communities as per Indigenous methods of evaluation;
- A pilot of TERF's Sexual Exploitation Risk Assessment Tool across the four Child and Family Services Authorities; (not evidenced)
- The development of a continuum of care informed by youth consultation and collaboration with Indigenous partners (e.g. Manitoba Keewatinow Okimakanak and Southern Chiefs' Organization) to create/reform service programs to address the co-occurring needs of sexually exploited youth (e.g. mental health, addictions, justice, and education) (partially evidenced)
- An expansion of StreetReach (including youth who are not in care), the Winnipeg Outreach Network (WON), and services for youth who are sexually exploited in First Nations and remote and rural communities. The expansion of each of these services should be paired with continuous quality improvement tracking tools to monitor outcomes, track progress towards service delivery goals, and respond to the evolving needs of sexually exploited youth. (not

evidenced)

Actions taken implement part of the recommendation including expanding StreetReach, releasing the Department of Families' research, and investing in culturally appropriate services. However, the requirements to evaluate and update Tracia's Trust Strategy have not been evidenced. This recommendation is deemed partially compliant.

COMPLIANCE DETERMINATION

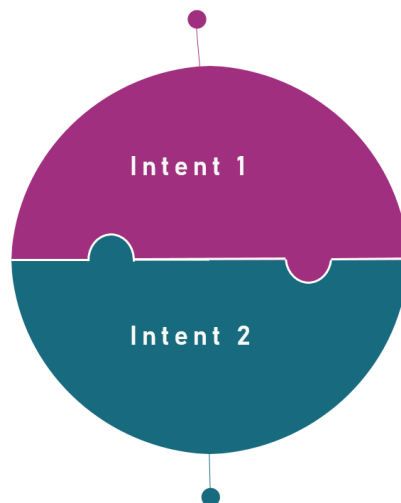
Angel's Story- Recommendation 3

Recommendation Summary: Denounce sexual exploitation of children and youth and raise awareness through a public education campaign.

Primary Public Body: Manitoba Families

1. Denounce sexual exploitation of children and youth

The Government of Manitoba signed the Proclamation of Stop Child Sexual Exploitation Awareness Week on March 6, 2020.
Actions met intent of recommendation.



2. Raise public awareness about the demand for purchasing sex and/or sexually exploiting children and youth

Targeted initiatives such as awareness workshops, public education for parents, teachers and students were reported, none were targeted to the public at large.

Outstanding Action: a public education campaign aimed at the public at large and the outputs and outcomes of public education activities.

COMPLIANCE DETERMINATION



The denunciation of sexual exploitation of children and youth and awareness workshops implement important requirements of the recommendation but deficiencies remain in the development of a public awareness campaign.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	In Need of Protection: Angel's Story
Date Released:	12/13/2018
Full Recommendation: (including details)	Recommendation Three: The Manitoba Advocate for Children and Youth recommends that Communication Services Manitoba, Manitoba Education and Training, Manitoba Families, Manitoba Justice, Manitoba Health, Seniors and Active Living, Manitoba Status of Women, and Manitoba Indigenous and Northern Relations collaborate with youth advisory groups, the Canadian Centre for Child Protection, Winnipeg Police Service, Royal Canadian Mounted Police, Indigenous and community organizations, and the Manitoba Advocate for Children and Youth to carry out ongoing public education via awareness campaigns that (a) denounce the sexual exploitation of children and youth and (b) raise awareness about the ongoing demand for purchasing sex and/or sexually exploiting children and youth in Manitoba. DETAILS: This plan should: • Be centrally driven by an existing inter-departmental working group such as the Deputy Ministers of Health and Social Policy and Priorities (DMHSPP) committee/Healthy Child Deputy Ministers' Committee (HCDMC); • Consider how best to reach those most in need of its information; • Include youth, survivor, and Indigenous community consultation; • Consider if names of adults who are sexually exploiting youth should be publicly shared as is the practice in other provinces; • Be evidence-informed in terms of clear outputs and outcomes and learn from successful campaigns in other jurisdictions; • Avoid sensationalism, inappropriate imagery, or language; • Draw awareness to bystander legislation that provides that all Manitobans must report child sexual exploitation; and • Include provisions for public education and awareness campaigns that coincide with Manitoba's Stop Child Sexual Exploitation Awareness Day every March.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Carry out public education via awareness campaigns that: a. denounce sexual exploitation of children and youth b. raise awareness about the demand for purchasing sex and/or sexually exploiting children and youth

Issue:	Sexual Exploitation
Primary Department:	Manitoba Families
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 27, 2019
2. Compliance Determination	
Partially Compliant 0.50	Actions taken only implement part of the recommendation
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
The public body accomplished many activities and initiatives in line with recommendation 3. 1. Carry out ongoing public education campaigns that a) Denounce sexual exploitation of children and youth: b) Raise awareness about the demand for purchasing sex and/or sexually exploiting children and youth: • Proclamation of Stop Child Sexual Exploitation Awareness Week. On March 6, 2020, the Province of Manitoba signed a proclamation to declare March 9 to 15 Stop Child Sexual Exploitation Awareness Week. This initiative denounces sexual exploitation and also raises awareness about child sexual exploitation in the media and the public. • New Public Education Campaign for Parents. Furthermore, on March 6, 2020, the Province announced new funding for the Canadian Centre for Child Protection (C3P) to develop and launch a new public awareness campaign to combat online sexual exploitation of children, this campaign is targeted to parents of children aged nine to 12. This campaign provides age-appropriate resources dealing with issues such as cyberbullying, online safety, abuse prevention, exploitation and healthy relationships to families so they can better protect children from sexual exploitation, meeting the intent of the recommendation. • Education campaign for teachers and students. The Manitoba government announced \$20,000 in funding to provide free access to the Commit to Kids and Kids in the Know programs at all 57 schools in the Seine River and River East Transcona school division. Commit to Kids is a training program for those who work with children and includes information about child sexual abuse, grooming, disclosures, and impacts. Kids in the Know is a national interactive, safety education program that uses age-appropriate lessons to increase children's personal safety to decrease risk of sexual abuse and exploitation (News Release, March 2020) • One day awareness workshop for educators. The Department of Families Sexual Exploitation Unit partnered with the Department of Education on February 14, 2020 (Annual Memorial March for Manitoba for Missing and Murdered Indigenous Women, Girls and 2Spirited), for a one day awareness workshop for educators. Presentations were made by StreetReach Unit, New Directions for Children, Youth, Adults and Families, Physical Education and Health Consultant/ Guidance Counsellor (Lessons from the classroom). The day included an overview of the Tracia's Trust Strategy, as well as an interactive discourse in smaller groups between participants and representatives from Winnipeg Police Service, Canadian Centre for Child Protection and New Directions. The Sexual Exploitation Unit is working in collaboration with	

the Department of Families training unit to develop a one day pilot training curriculum to inform all Families staff and build an awareness framework.

Details: Include provisions for public education and awareness campaigns that coincide with Manitoba's Stop Child Sexual Exploitation Awareness Day every March.

- The MACY-RAP response indicated that the Sexual Exploitation Unit partnered with the Advisory Council of Knowledge Keepers to host the Stop Child Sexual Exploitation Awareness Forum during the Awareness Week on March 10 and 11, 2020. The Province funds this free public awareness annual event. 225 attendees included representatives from each regional team and is open to all service stakeholders and community including Non-government organizations and surrounding First Nation community representatives. It is promoted by the Province on social media sites. This initiative consulted with Indigenous knowledge keepers in its development, which is in keeping with the details of the recommendation.
 - *Details: Be evidence-informed in terms of clear outputs and outcomes and learn from successful campaigns in other jurisdictions*
 - Information provided on activities did not outline clear outputs and outcomes for public education initiatives.

Public education initiatives reported are targeted to specific groups including parents of tweens, educators and children in two specific school divisions, educators through a conference, and child welfare staff. The most important requirements have been met and significant movement is seen in public education investments; however, certain deficiencies affect the adequacy of implementation including the lack of a public education campaign aimed at the public at large and the lack of information provided on the outputs and outcomes of public education activities. Actions reported implement part of the recommendation.

COMPLIANCE DETERMINATION

Angel's Story– Recommendation 4

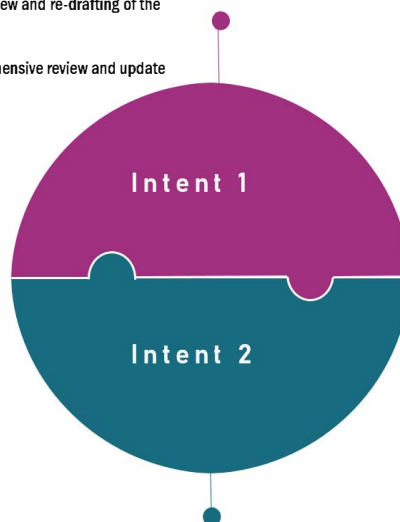
Recommendation Summary: Conduct review, update existing CFS minimum standards and establish province-wide quality assurance measures and framework

Primary Public Body: Manitoba Families

1. Conduct an evidence- informed review and update existing provincial service standards

Some changes to select standards have taken place and a larger and comprehensive review is reported to be underway. The activities indicate early steps toward a systemic review and re-drafting of the standards.

Outstanding Action: A completed comprehensive review and update of provincial standards.



2. Establish province-wide measures of service accountability through a provincial quality assurance framework.

A review of the current Standards Manual is underway and an acknowledgment that this work overlaps with the completed Legislative Review. An essential intent of the recommendation is the enforcement of the standards across the province.

Outstanding Action: A plan to ensure quality assurance of services for children and families that complies with existing legislation and this recommendation.

COMPLIANCE DETERMINATION

0.25

Limitedly
Compliant

Some changes to select standards and a review of the Standards Manual implement a small part of the recommendation. However there remains significant deficiency in implementation thus a compliance determination of limitedly compliant.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	In Need of Protection: Angel's Story
Date Released:	12/13/2018
Full Recommendation: (including details)	Recommendation Four: The Manitoba Advocate for Children and Youth recommends that the Minister of Families, through the Child and Family Services Division (CFSD), in collaboration with the four child and family services Authorities, (1) conduct an evidence-informed review and update of existing provincial service standards, and (2) establish province-wide measures of service accountability through a provincial quality assurance framework. Both the service standards and the quality assurance measures must be consistent throughout the province, culturally appropriate, and supported and enforced by the governing child and family services Authorities within their child and family services agencies. As per provincial legislation, quality assurance measures at the authority level must then be assessed and monitored by the Minister of Families. DETAILS: This province-wide quality assurance framework should include: • An evidence-informed review and update of existing Child and Family Service standards; and • That the updated standards reflect a requirement that service models being used in the CFS system move away from an apprehension model and toward service models that require meaningful engagement of family, extended family, and community, which is in the best interests of children.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Conduct an evidence-informed review and update existing provincial service standards 2. Establish province-wide measures of service accountability through a provincial quality assurance framework. • The service standards and quality assurance measures must be consistent throughout the province, culturally appropriate and supported and enforced by the CFS authorities • Per provincial legislation, quality assurance measures at the authority level must be assessed and monitored by the Minister of Families

Theme:	CFS Minimum Standards
Issue:	Quality Assurance
Public Body	Manitoba Families
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 27, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	Actions taken fulfill requirements to a limited degree resulting in significant deficiency in implementation.
3. Rationale for Determination (How did you reach this compliance determination)	
1. Conduct an evidence-informed review and update existing provincial service standards - The Department of Families intends on conducting a review and update of <i>The Child and Family Services Act</i> (CFSA) based on the <i>Act Respecting First Nations, Inuit and Metis Children, Youth and Families</i> (the Act) and recommendations from The Child Welfare Legislative Review Committee. The Department of Families stated that it is pursuing the process of legislative modernization, while remaining cognizant that updates to the Provincial Standards need to align with a legislative and regulatory framework for the child welfare transformation. - The Department of Families indicated that while large scale work is planned, updates to Standards has been ongoing. Most recently changes to Standards 1.5.6 Removing Foster Children, 1.3.4 Provincial Child Abuse Investigations, 1.2.2 Voluntary Family Services and 1.3.1 Child Protection were made between April 2019 and June 2020. - There are three Standards priority areas being reviewed in advance of the larger systemic review and redrafting of Standards. Priority areas include: 1.3.5 Child Sexual Exploitation in connection with 1.4.7 absent and Missing Children: a working group is to be established to identify updates to the Standard, with a focus on federal legislation, agency role, role of enhanced StreetReach in Winnipeg and expanded StreetReach North in Thompson. 1.4.7 Absent and Missing Children: The Department of Families will include case specific responses to support practice decisions and connect to case planning requirements for children in care. 1.3.4 Provincial Child Abuse Investigations: The Department of Families is outlining the process for foster home abuse investigations, to address areas of responsibility, safety assessments and decision making respecting change of placement. While some changes to above indicated standards have taken place, a larger and more comprehensive review is underway. The activities reported indicate early steps are being taken to address the recommendation including a systemic review and re-drafting of the standards, but none of the requirements have been met yet. 2. Establish province-wide measures of service accountability through a provincial quality assurance framework. - The Department of Families stated that two major developments have affected action and compliance with this recommendation including the anticipated legislation change from <i>The Child Welfare Legislative Review Committee Recommendations</i> and the new federal legislation <i>An Act Respecting First Nations, Inuit and Metis Children, Youth and Families</i>. The Department of Families stated that some changes under the new federal legislation are clear but others are	

uncertain regarding the interaction between federal and provincial jurisdiction and Indigenous governance structures.

- The Department of Families has indicated that the review into the roles and responsibilities of Agencies, Authorities and the Department of Families' quality assurance oversight is a first step into establishing a province-wide quality assurance framework, but there has been no commitment from the Department of Families to create a framework.

The Minister, Director and Authorities have an ongoing legal responsibility to ensure quality of child welfare services as articulated in the legislation that was proclaimed in 2003, *the Child and Family Services Authorities Act* (The Authorities Act). The Authorities Act states that CFS Authorities have a duty to ensure that agencies follow the practices and procedures in accordance to culturally appropriate standards (S.19.(e)), and ensure that those standards are consistent with provincial standards (S. 19.(d)). In turn, the Minister of Families is responsible to monitor and assess how authorities carry out their responsibilities (S.24.(c)).

Information provided by the Department of Families includes evidence that work to review the current Standards Manual is underway and acknowledgment that this work overlaps with the completed Legislative Review. However, an essential intent of this recommendation is the enforcement of those standards across the province. Currently, and despite nearly two years since the issuance of this recommendation, there does not appear to be engagement with the legislated responsibilities to ensure that minimum provincial service standards are being followed. The Authorities Act is clear that the four Authorities are obligated to ensure the delivery of high-quality CFS services and the department is obligated to engage in its legislated role and responsibility to assess and monitor the implementation of legislation. Despite this, the Department of Families indicates clarification is being sought of its role and responsibility pertaining to quality assurance. Fulfilling these roles is critical to ensuring that Manitoba children, youth, and their families can access CFS supports through well-trained staff who deliver services that consistently meet minimum service standards. The commitment to review the roles and responsibilities of Agencies, Authorities and the Department of Families quality assurance oversight demonstrate an initial and early step to fulfilling this recommendation.

Progress with this recommendation requires a plan to ensure quality assurance of services for children and families comply with existing legislation and this recommendation. Early steps are being taken toward compliance, however, none of the requirements have been met. Hence, the recommendation is limitedly compliant.

COMPLIANCE DETERMINATION

Angel's Story- Recommendation 5

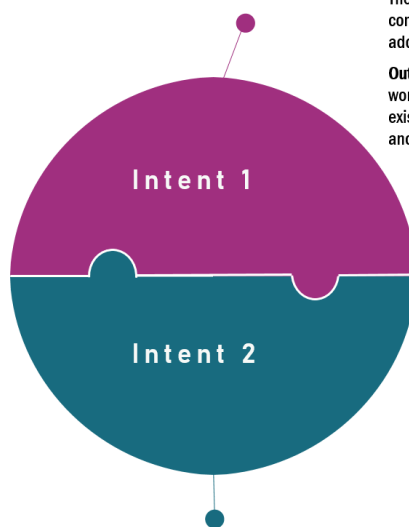
Recommendation Summary: Review and reform addiction treatment programs, create a safe and secure facility for sexually exploited youth (SEY).

Primary Public Body: Manitoba Health, Seniors and Active Living

1. To review and reform provincial treatment programs for children and youth.

The Addictions Foundation of Manitoba (AFM) has completed an internal review of youth programs to address occupancy challenges.

Outstanding Action: More information is required on work has been completed to conduct a review of existing provincial treatment programs for children and youth that are *not* operated through AFM.

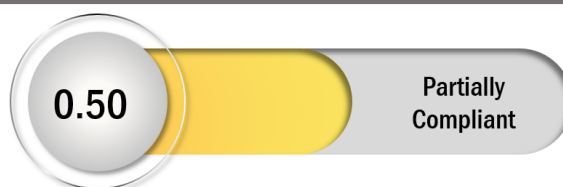


2. To create safe and secure facilities for youth in Manitoba who are using substances and who are sexually exploited.

Neechewam Inc. is being developed to provide a safe, homelike setting to youth who are being sexually exploited and who are using substances.

Outstanding Action: An update on the status of the launch of Neechewam Inc., and the policies established to ensure it is 'safe and secure' is required.

COMPLIANCE DETERMINATION



Actions taken, including the evaluation of some programs and the development of a new facility for sexually exploited youth, implement part of the recommendation, as such, this recommendation is deemed partially compliant.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	In Need of Protection: Angel's Story
Date Released:	12/13/2018
Full Recommendation: (including details)	Recommendation Five: The Manitoba Advocate for Children and Youth recommends that the Department of Health, Seniors and Active Living and Department of Families, in collaboration with the Addictions Foundation of Manitoba, (1) review and reform the province's treatment programs for children and youth and (2) create safe and secure facilities for youth in Manitoba who are sexually exploited and harmfully involved in substance misuse. DETAILS: This should • Involve community organizations; • Address the limitations, barriers and occupancy rate concerns of existing resources (e.g. Compass, YASU); • Include a harm reduction policy specific to children and youth; • Recognize that "secure facilities" do not need to be institutions, but can be secured via adequate staffing, geographic locations, and can further be holistic and culturally-based home-like settings; • Involve youth, experiential, and Indigenous stakeholders; • Address accessibility challenges related to addiction and mental health treatment services; • Be informed by a scan of jurisdictions who successfully incorporate short and long-term safe and secure settings in their continuum of care models for youth who are sexually exploited; and • Be included in the Provincial Mental Health and Addictions Strategy.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To review and reform provincial treatment programs for children and youth. 2. To create safe and secure facilities for youth in Manitoba who are using substances and who are sexually exploited.
Theme:	Mental Health and Addictions
Issue:	Safe and Secure Treatment Facilities
Primary Department:	Manitoba Health, Seniors and Active Living
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 30, 2019

2. Compliance Determination	
Partially Compliant 0.50	Actions taken only implement part of the recommendation. Important requirements have been met, deficiencies remain yet the recommendation has been acted upon.
3. Rationale for Determination (How did you reach this compliance determination)	
1. To review and reform provincial treatment programs for children and youth. - The Addictions Foundation of Manitoba (AFM) has conducted an internal review to address occupancy challenges (December 2019) - AFM has done their own internal review of their youth programs and report that the occupancy levels have improved since this review took place. In addition, AFM made the decision to embed their youth counsellors into community based organizations to better serve youth where they are at (August 26, 2020). No written record of the review was made available to the Manitoba Advocate. 2. To create safe and secure facilities for youth in Manitoba who are using substances and who are sexually exploited. - Neecheewam Inc. is new residential treatment facility that is being developed for youth who are using substances and are sexually exploited. Upon development, a 4-bed unit will be offered to youth who are using substances and who are being sexually exploited, to provide specialized mental health and addictions treatment (December, 2019). Opening of this facility was reported for Summer 2020. This facility will not be locked. However, a policy manual is under development to ensure the safety of youth. - In addition, Manitoba Health, Seniors and Active Living reported two additional programs relevant to this recommendation. <i>Community Emergency Department Violence Program Youth:</i> This program provides support and services to sexually exploited youth who have experienced violence-related injuries by a multi-disciplinary team that is uses a harm reduction, trauma-informed approach to care (June 2020/August 26, 2020) <i>Newcomer Trauma-Focused Services:</i> Newcomer youth who struggle with post-traumatic stress disorder and other mental illnesses that often make them more vulnerable to sexual exploitation, can access long-term mental health services in the community with linkages to the formal health care system (June 2020/August 26, 2020) The internal review undertaken by AFM functions, in part, to fulfill a portion of Intent 1 of the recommendation specifically regarding the 'Detail' outlined in the recommendation that states "Address limitations, barriers and occupancy rates." While no evidence-based documentation has been provided, it was reported that the review resulted in improved occupancy levels, and the decision to embed youth counsellors into community based organizations to better serve youth. More information is required on what work has been completed to conduct a review of existing Manitoba provincial treatment programs for children and youth not operated through AFM. Additionally, an update on the status of the launch of the Neechewam Inc. residential treatment facility and the policies established to ensure it is "safe and secure" is required. Actions taken implement part of the recommendation, as	

such, this recommendation is deemed partially compliant.

COMPLIANCE DETERMINATION

Angel's Story- Recommendation 6

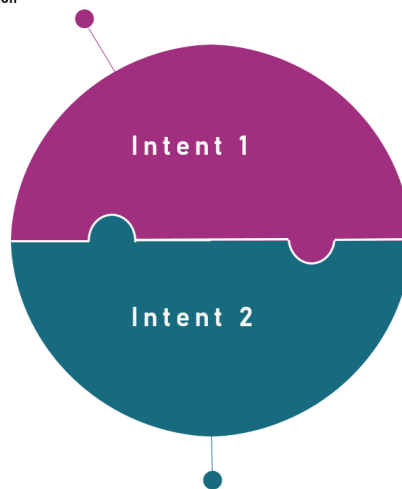
Recommendation Summary: Amend the Youth Drug Stabilization Act, allow for longer or successive warrants to ensure medically supported withdrawal management services.

Primary Public Body: Manitoba Health, Seniors and Active Living

1. Review the Youth Drug Stabilization Act

No actions to implement the recommendation have been reported.

Outstanding Action: Amend the Youth Drug Stabilization Act.



2. Ensure that longer warrants or successive warrants are possible to ensure for medically supported withdrawal management services

Outstanding Action: There has been no indication that any action has been completed towards implementing this recommendation, nor has there been any evidence-based documentation submitted

COMPLIANCE DETERMINATION



0.0

Non- Compliant

The response provided by MACY-RAP on June 30, 2020 stated that there was 'No Change'. No actions were reported for this compliance assessment. Therefore, this recommendation is deemed non-compliant. There is indication that an interdepartmental review of this recommendation is in progress.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	In Need of Protection: Angel's Story
Date Released:	12/13/2018
Full Recommendation: (including details)	Recommendation Six: The Manitoba Advocate for Children and Youth recommends that the Department of Health, Seniors and Active Living, in collaboration with the Addictions Foundation of Manitoba and other stakeholders, amend The Youth Drug Stabilization (Support for Parents) Act so that longer warrants or successive warrants are possible to ensure children and youth get the medically supported withdrawal management services they need based on evidence-informed treatment best practices for addictions (e.g. methamphetamine, alcohol, opioids). DETAILS - Work to this effect should: • Be overseen by an existing inter-departmental working group such as the Deputy Ministers of Health and Social Policy and Priorities (DMHSPP) committee/Healthy Child Deputy Ministers' Committee (HCDMC); and • Be guided by evidence-informed best practices and knowledge in the areas of supported withdrawal management, addiction and mental health assessments, and accessibility of treatment services for children and youth.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Amend the Youth Drug Stabilization Act 2. Ensure that longer warrants or successive warrants are possible to ensure for medically supported withdrawal management services.
Theme:	Mental Health and Addictions
Issue:	Substance Use Treatment
Primary Department:	Manitoba Health, Seniors and Active Living
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 30, 2019
2. Compliance Determination	
Non-Compliant 0.0	None of the requirements have been met. No actions were reported.
3. Rationale for Determination (How did you reach this compliance determination)	

1. Amend the Youth Drug Stabilization Act and Ensure that longer warrants or successive warrants are possible to ensure for medically supported withdrawal management services.

- While there is indication that an interdepartmental review of this recommendation is in progress, there has been no indication that any action has been completed towards implementing this recommendation, nor has there been any evidence-based documentation submitted.

The response provided by MACY-RAP on June 30, 2020 stated that there was 'No Change'. Therefore, no actions were reported for compliance assessment. This recommendation is deemed non-compliant.

COMPLIANCE DETERMINATION

Nelson Mandela – Recommendation 1

Recommendation Summary: Prohibit the use of segregation over 24 consecutive hours (solitary confinement).

Primary Public Body: Manitoba Justice

1. Prohibit in all situations the use of solitary confinement for over 24 hours in Manitoba Youth Custody Facilities (The Mandela Rules)

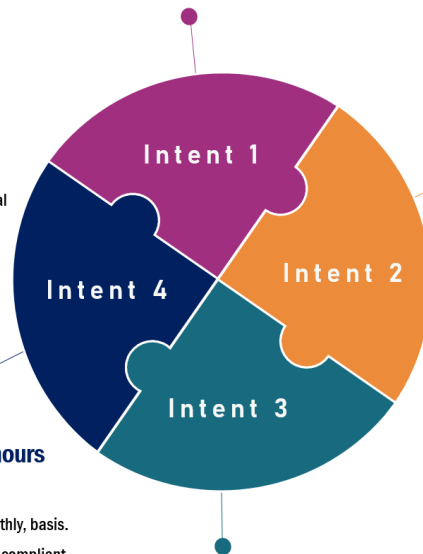
As evidenced by data shared by Manitoba Justice, youth continue to be placed in segregation for periods exceeding 24 consecutive hours. Manitoba Justice denies use of solitary confinement as defined in the Mandela Rules.

Outstanding Action: Justification for use of segregation beyond 24 hours on youth in custody based on Manitoba and International law not provided.

4. To notify the Manitoba Advocate of any incident of segregation exceeding 24 hours

Manitoba Justice reports all incidents of segregation on a quarterly, and now monthly, basis.

No outstanding action: this intent is fully compliant pending continuation of reporting.



2. To establish maximum time limits on the use of segregation

Existing policies and procedures do not have a maximum time limit on segregation use and continue to allow the placement of youth in a cell for a period exceeding 24 hours.

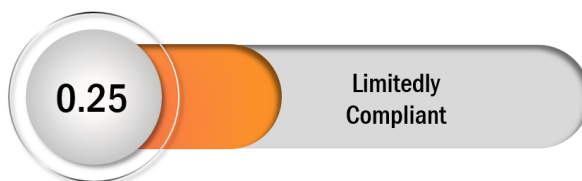
Outstanding action: Amend existing policies to establish a maximum time limit as per the Mandela Rules.

3. To ensure youth are sufficiently supported when they exit isolation conditions

According to Manitoba Justice policies, health care staff must be involved when youth are placed in, and when they transition out of, segregation. A review of case files demonstrated deficiencies in the implementation of policies.

Outstanding action: Ensure consistent implementation of policies.

COMPLIANCE DETERMINATION



Use of segregation over 24 consecutive hours continues in Manitoba youth custody facilities. Manitoba Justice is reporting the incidents to the Advocate implementing a small part of the recommendation, therefore this recommendation is limitedly compliant.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
Date Released:	2/21/2019
Full Recommendation: (including details)	Recommendation One: The Manitoba Advocate for Children and Youth recommends that the Manitoba government and Manitoba Justice amend <i>The Correctional Services Act</i> to prohibit the solitary confinement of youth for a period exceeding 24 hours, per the Nelson Mandela Rules. DETAILS: - That Manitoba Justice establish a maximum time limit on the use of segregation of 24 hours without exception, thereby prohibiting solitary confinement by amending <i>The Correctional Services Act</i>. - That Manitoba Justice immediately identify all youth that are currently in solitary confinement conditions and develop a youth-centred and trauma-informed transitional process to ensure they successfully exit from the conditions of solitary confinement. This shall include: - Engaging a team of licensed mental health professionals to conduct and document a comprehensive mental health re-evaluation of all youth held in solitary confinement, including a confidential face-to-face out of cell interview by a licensed mental health professional; - A plan for substantial re-socialization of youth in a group setting; - Offering and documenting regular mental health counseling and culturally appropriate spiritual care, if requested, to assist in the transition; and - Including the participation of youth in the process and, if requested, the youth's legal counsel and/or a representative of the Manitoba Advocate for Children and Youth in the development of this transition plan. - As per the practices of other Canadian provinces, and until the above recommendation is fully implemented to ban the practice, that Manitoba Justice notify the Manitoba Advocate for Children and Youth of any incident of segregation extending over 24 hours and collaborate with the Manitoba Advocate on the development of a plan to address such incidents going forward. This measure should begin immediately. - That Manitoba Justice conduct consultations with relevant stakeholders, including the Manitoba Advocate for Children and Youth, in preparation for amending <i>The Correctional Services Act</i>.

Intent(s) of Recommendation:	The intent of the recommendation is to: To align laws, regulations, and policies with international minimum human rights standards for the treatment of youth in custody (Nelson Mandela Rules) by prohibiting in all situations the use of solitary confinement for over 22-24 hours in Manitoba Youth Custody Facilities. (The Mandela Rules has a 22 hour minimum criteria for solitary confinement; the Manitoba Advocate uses a 24 hour minimum criteria for same). To establish maximum time limits on the use of segregation. To ensure youth are sufficiently supported when they exit isolation conditions (resocialization, active participation in process, access to mental health, spiritual care, and legal counsel). To notify the Manitoba Advocate of any incident of segregation exceeding 24 hours.
Theme:	Solitary Confinement
Primary Department:	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 26, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.
3. Rationale for Determination (How did you reach this compliance determination)	
To align laws, regulations, and policies with international minimum human rights standards (Nelson Mandela Rules) by prohibiting the use of solitary confinement over 22-24 hours: - This recommendation calls for the amendment of <i>The Correctional Services Act</i> to prohibit the solitary confinement of youth for a period exceeding 24 hours. To date, no such amendment has been made. At the July 13, 2020 pre-assessment meeting, the department explained that there is no uptake to change the legislation; this was further reinforced by the department on September 2, 2020, that “adjustments to how observation is used can be accomplished without a change to <i>The Correctional Services Act</i>.” - Data reported under Intent #4 of this recommendation indicates that youth continue to be placed in segregation for periods exceeding 24 hours in Manitoba youth custody facilities. To establish maximum time limits on the use of segregation - Both Standing Order 03-965 and Standing Order 997 were provided in response to this recommendation and reviewed. They demonstrate that Manitoba Justice does not have a maximum time limit on the use of segregation: - The Youth Observation Policy for both youth custody facilities allows for youth to be “secured alone in a cell for 18 hours or more each day”. While there is a minimum time for Observation (18 hours), the policy is not explicit about the maximum time a youth can be secured alone in a cell (i.e. it does not give a maximum time for Observation as 24 hours). Thus, segregation for more than 24 hours can –and does– still occur.	

- Section 3 of the policy, on Observation Reviews and Appeals, outlines that reviews may occur at 7-day intervals after a youth is placed in Observation.
 - Section 5 of the policy, on Alternatives to Observation, outlines that “[r]estrictions that extend beyond 24 hours will transition to observation”.
 - The standing orders do not meet the intent of the recommendation. Both policies continue to allow for the use of solitary confinement, which is being alone in a cell for a period exceeding 22 hours, in youth custody facilities.
 - Using a child-centered approach, the Manitoba Advocate interprets “meaningful human contact” as determined or assessed by the youth. Conversely, Manitoba Justice, as provided in their responses to MACY’s June 2020 questions and confirmed at the July 13, 2020 pre-assessment meeting, asserts that youth might not consider when staff are talking to them as meaningful, even if staff have been trained in effective communication skills.
- 3. To ensure youth are sufficiently supported when they exit isolation conditions**
- In further information provided on September 2, 2020, Manitoba Justice described that health care professionals are involved with youth when they are placed in observation and when a plan is developed with the youth to transition out of observation. Health care staff also follow-up as required after the youth has exited observation.
 - Manitoba Justice is open to discussing with the Manitoba Advocate types of therapeutic alternatives that can be applied for youth once they are released from observation after 22 hours, in lieu of keeping them in observation past that time.
- 4. To notify the Manitoba Advocate of any incident of segregation exceeding 24 hours**
- Manitoba Justice has reported incidents of segregation, including incidents of segregation exceeding 24 hours on a quarterly basis. Upon request, they have increased their reporting to monthly beginning in June 2020. Manitoba Justice is fully compliant with Intent #4.

Manitoba Justice has been compliant only with Intent #4 of the recommendation. As a result, this recommendation is considered limitedly compliant since almost none of the requirements have been met, even if steps have been taken towards implementation.

COMPLIANCE DETERMINATION

Nelson Mandela – Recommendation 2

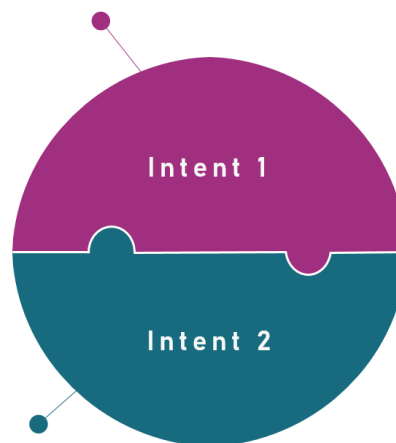
Recommendation Summary: Restrict the use of segregation under 24 consecutive hours for vulnerable populations of youth.

Primary Public Body: Manitoba Justice

1. To restrict the use of segregation for vulnerable populations such as youth under the age of 16, youth with cognitive disabilities, physical disabilities, or mental illnesses.

Policies on segregation do not consider the vulnerability of youth on use of the practice including the age, whether the youth has a disability or mental illness, or other important consideration.

Outstanding actions: Policies on the use of segregation under 24 hours must include restrictions on use based on youth vulnerabilities including, but not limited to, age and disability.

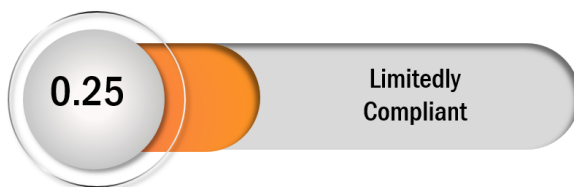


2. To require and track mental health assessments for youth who are segregated for any period of time

Mental health assessments are required by policy and tracked in files. This tracking is not systematic. A case file review uncovered that assessments are not consistently completed and/or tracked as per existing policies.

Outstanding actions: Policies must include procedures that

COMPLIANCE DETERMINATION



Policies do not consider the vulnerability of youth populations in the use of segregation under 24 consecutive hours. While mental health assessments are required and tracked, these are not completed consistently, as per policy requirements. Actions taken only implement a small part of the recommendations, thus, this recommendation is limitedly compliant.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
Date Released:	2/21/2019
Full Recommendation: (including details)	Recommendation Two: The Manitoba Advocate for Children and Youth recommends that the Manitoba government and Manitoba Justice restrict the use of any form of segregation under 24 hours in youth custody facilities through an amendment to <i>The Correctional Services Regulation</i>. DETAILS: • That Manitoba Justice restrict the use of any form of segregation for the purposes of discipline, punishment, coercion, convenience, or retaliation. • That Manitoba Justice restrict the use of segregation by legislating maximum time limitations for these vulnerable populations and communicate clear expectations of what is required from the youth to be removed from segregation. • That Manitoba Justice track and require comprehensive mental health assessments for youth subjected to any period of segregation. • That Manitoba Justice conduct consultations with relevant stakeholders, including the Manitoba Advocate for Children and Youth, in preparation for amending <i>The Correctional Services Regulation</i>.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To restrict the use of segregation for vulnerable populations such as youth under the age of 16, youth with mental disabilities, physical disabilities, or mental illnesses. These groups are found to be more susceptible to the negative impacts of any type or length of social isolation or segregation. 2. To require and track mental health assessments for youth who are segregated for any period of time.
Theme:	Solitary Confinement
Primary Department:	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.

3. Rationale for Determination

(How did you reach this compliance determination)

1. To restrict the use of segregation for vulnerable populations (youth under the age of 16, youth with mental or physical disabilities, youth with mental illness), who are more susceptible to the negative impacts of social isolation or segregation

- Section 5 of the Youth Observation Policy on Alternatives to Observation, specifically subsection a. on Temporary Placements/Restrictions, outlines when and how youth can be segregated under 24 hours. When a young person is in a Quiet Room for longer than 24 hours, that restriction “transition[s] to observation”.
- There is nothing in the Youth Observation Policy that refers to vulnerable populations, nor does the policy restrict the use of segregation (ex. maximum time limitations) on vulnerable populations. Rather, the use of Observation is defined by a minimum time period of “18 or more hours”. There is no consideration to vulnerable youth, including youth with mental illnesses in policies on the use of observation/segregation.

2. To require and track mental health assessments for youth who are segregated for any period of time.

- According to the Youth Observation Policy, medical attention/visitation/review will take place, in the form of a Nurse on a daily basis, a Medical Supervisor on a weekly basis, or a Psychologist after a young person is in Observation for three consecutive days.
- In the responses provided by the department to MACY’s June 2020 questions, mental health nurses assess youth in Observation once daily at minimum. Mental health visitation by a psychologist occurs after a young person has been in Observation for three days.
- As per the responses provided by the department at the July 13, 2020 pre-assessment meeting, the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2) is the screening instrument that is used to conduct a comprehensive mental health assessment on youth placed in Observation. This tool was designed for youth 12 to 17 years of age with a primary use in juvenile corrections. It is a self-report inventory of 52 Yes/No questions measuring various scales including: alcohol/drug use, anger, depression, anxiety, somatic complaints, suicide ideation, thought disturbances, and traumatic experiences.
- There is no indication that these assessments are being tracked systematically; they are kept in individual files. The Manitoba Advocate audited the files of three youth that experienced segregation and solitary confinement in 2019-20 to assess compliance with this recommendation. The review found that the Youth Observation Policy was not consistently followed when it comes to mental health assessments for youth in segregation.

The response provided to address intent #1 of the recommendation is not in line with the recommendation. While responses for intent #2 evidenced that mental health assessments, using the MAYSI-2 screening instrument, are required and tracked under the Youth Observation Policy, assessments are not completed consistently as per the Standing Orders and it is unclear if MAYSI-2 is in fact used every time. Ultimately, this indicates that actions taken implement the recommendation to a limited degree.

COMPLIANCE DETERMINATION

Nelson Mandela – Recommendation 3

Recommendation Summary: Collect, track, analyze and publish reports of segregation incidents in youth custody facilities.

Primary Public Body: Manitoba Justice

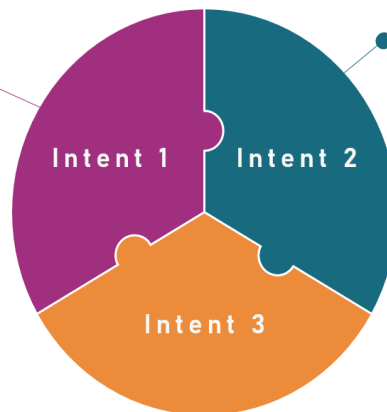
1. To monitor the use of segregation, by collecting, tracking, analyzing, and reporting on segregation through a centralized information management system that accounts for transfers between institutions

Manitoba Justice tracks segregation use using Excel sheets, one for each institution. The tracking is not centralized or systematic. Manitoba Justice does not analyze the data.

Outstanding actions: Improve tracking to account for transfers between institutions, integrate tracking into existing centralized system.

2. To submit a quarterly report on segregation use and demographics to the Manitoba Advocate

Manitoba Justice has submitted segregation data to the Manitoba Advocate quarterly. Frequency has increased to monthly upon the request of the Manitoba Advocate. This intent is fully compliant, **no outstanding actions**.



3. To report publicly on the use of segregation

Manitoba Justice has not reported publicly on the use of segregation.

Outstanding action: include segregation statistics in public reporting.

COMPLIANCE DETERMINATION



Manitoba Justice is tracking segregation incidents and submits reports to the Manitoba Advocate, implementing important requirements. However, deficiencies remain.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
Date Released:	2/21/2019
Full Recommendation: (including details)	Recommendation Three: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice collect, track, analyse, and report on incidents of segregation across youth custody facilities to ensure transparency and accountability. DETAILS: • That Manitoba Justice invest in the development of a centralized information management system to implement a process to aggregate data and analyse trends on the use of segregation by youth, reflecting transfers between institutions. • That Manitoba Justice submit a report quarterly to the Manitoba Advocate for Children and Youth on the number of youth placed in any form of segregation; the length of time each youth was in segregation, the race, ethnicity, age, and gender of each youth; facility staffing levels at the time of confinement; the reason each youth was placed in segregation; any knowledge of mental health (illness or cognitive vulnerability), and services provided while in confinement. • That Manitoba Justice report publicly on aggregated data of the use of segregation practices in youth custody facilities through their Annual Report.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To increase Manitoba Justice's ability to monitor the use of segregation, by collecting, tracking, analyzing, and reporting on segregation use through a centralized information management system that accounts for transfers between institutions. 2. To submit a quarterly report on segregation use and demographics to the Manitoba Advocate. 3. To report publicly on the use of segregation.
Theme:	Solitary Confinement
Public Body	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 26, 2019

2. Compliance Determination	
Partially Compliant 0.50	The most important requirements have been met; certain deficiencies affect the adequacy of the implementation, but without resulting in a situation where the given recommendation has not been acted upon.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. To increase Manitoba Justice’s ability to monitor the use of segregation, by collecting, tracking, analyzing, and reporting on segregation use through a centralized information management system that accounts for transfers between institutions - Manitoba Justice has implemented a tracking system not previously in existence for segregation incidents. While Manitoba Justice reports that the tracking form is “in use at both” youth custody facilities, there are inconsistencies between the two facilities’ tracking forms and, as a result, inconsistencies in the data the department provides to MACY. Significant data cleaning is currently required to ensure that transfers of the same individual between segregation units at both facilities are accounted for, and it is difficult to see through current tracking mechanisms how many times and for how long a youth is placed in segregation. - Storage and tracking of segregation data using a centralized information management system would allow Manitoba Justice to have a better understanding of the use of segregation per youth in custody, instead of per facility, and to identify cases of overuse. The department has not provided any indication that they will integrate the tracking form into their current centralized information management system, COMS, or develop an alternative centralized information management system. - The recommendation calls for Manitoba Justice to analyze segregation data; however, at present, Manitoba Justice collects, tracks, and reports on segregation incidents on a quarterly basis to MACY, increased to monthly since the onset of the COVID-19 pandemic, and MACY subsequently analyzes this data. 2. To submit a quarterly report on segregation use and demographics to the Manitoba Advocate - Manitoba Justice has been reporting quarterly on the use of segregation in Manitoba youth custody facilities to the Manitoba Advocate. Due to COVID-19 restrictions, the Manitoba Advocate requested monthly reports, and Manitoba Justice has complied with the request for more frequent reporting. - Manitoba Justice segregation data submitted to MACY includes the length of time each youth was in segregation, the Indigenous status, age, and gender of each youth, the reason each youth was placed in segregation, and any knowledge of mental health (illness or cognitive vulnerability). Manitoba Justice has not been reporting on the facility staffing levels at the time of confinement or services provided to youth while in confinement. - In the early stages of Manitoba Justice sharing its segregation data with MACY, some of the variables that this recommendation outlined as essential to be tracked had not been integrated into the department’s tracking tool (i.e. Indigenous status, mental health, gender); however, this was corrected and updated. In addition, some of the columns in the data shared by Manitoba Justice contain many blank cells. Manitoba Justice has been working with MACY to rectify this and ensure any missing pieces are included in the quarterly/monthly submissions. This intent has been deemed fully compliant.	

3. To report publicly on the use of segregation

- Manitoba Justice has not made data on segregation use available to the public.

Manitoba Justice has begun to collect, track, and report quarterly to the Manitoba Advocate on segregation use which implement part of the recommendation. Manitoba Justice has not yet analyzed the data internally and is unable at this time to recognize cases of segregation overuse. Manitoba Justice has not made their use of segregation public. Thus, actions taken are deemed partially compliant.

COMPLIANCE DETERMINATION

Nelson Mandela – Recommendation 4

Recommendation Summary: Prohibit the use of pepper spray except in situations of immediate risk to life and enhance oversight.

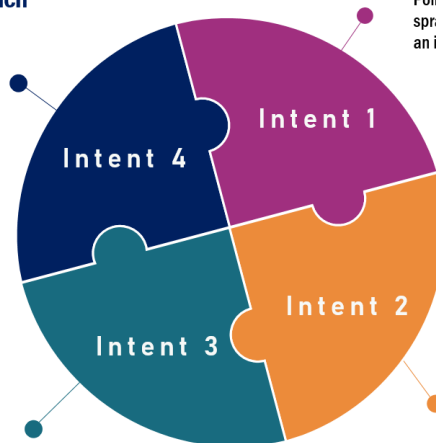
Primary Public Body: Manitoba Justice

4. To consider funding cell doors which open both ways

Manitoba Justice considered funding cell doors which open both ways and has begun installing two-way doors at the Manitoba Youth Centre. **Intent fully compliant.**

1. To prohibit the use of pepper spray in youth custody facilities except in situations of immediate risk (proximate danger) to life

Policies were amended to be consistent with pepper spray use being limited to situations where there is an immediate risk to life. **Intent fully compliant.**



3. To have an external and independent body review and/or investigate every incident of pepper spray use and provide recommendations

An internal investigation was conducted by Manitoba Justice over the pepper spray incident and this report was shared with the Manitoba Advocate. The investigation was thorough and included recommendations consistent with the intent of this recommendation. **Intent fully compliant.**

2. To notify the Manitoba Advocate immediately of any incident where pepper spray was discharged

Manitoba Justice notified the Manitoba Advocate of a pepper spray incident. Manitoba Justice committed to notifying the Manitoba Advocate within two business days of a pepper spray incident. One incident was reported since the release of the special report. **Intent fully compliant.**

COMPLIANCE DETERMINATION



Manitoba Justice demonstrated changes in policies that prohibit the use of pepper spray except in situations of immediate risk to life and enhancements to the oversight of pepper spray use. Actions taken fully implement the recommendation.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
Date Released:	2/21/2019
Full Recommendation: (including details)	Recommendation Four: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice immediately prohibit the use of pepper spray in youth custody facilities except in situations of immediate risk to life* to correctional staff or other youth in custody by amending <i>The Correctional Services Regulation</i>. DETAILS: • That Manitoba Justice prohibit the use of pepper spray to halt self-harming behaviour, barring no other serious and imminent risks to the lives of other youth or correctional officers • That Manitoba Justice consider the funding of cell doors which open both ways and can prevent the deployment of pepper spray due to forced entries. • That Manitoba Justice immediately notify the Manitoba Advocate for Children and Youth of any incident where pepper spray was discharged. Notification must include the full incident report, age of the youth, race, ethnicity, reasons for use, number of times pepper spray was deployed, and follow-up medical and psychological treatment. • That Manitoba Justice appoint an external and independent body to review and investigate every incident of pepper spray use, and provide recommendations of how the incident could be prevented. *For the purpose of this recommendation, 'immediate' shall be defined as proximate danger to life as perceived by an objective third party in the circumstances.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To prohibit the use of pepper spray in youth custody facilities except in situations of immediate risk (proximate danger) to life. 2. To notify the Manitoba Advocate immediately of any incident where pepper spray was discharged. 3. To have an external and independent body review and/or investigate every incident of pepper spray use and provide recommendations. 4. To consider funding cell doors which open both ways.
Theme:	Pepper Spray

Issue:	Use of Force
Primary Department:	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 26, 2019
2. Compliance Determination	
Fully Compliant 1.0	The addressee complies entirely with the requirements of the recommendation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. To prohibit the use of pepper spray in youth custody facilities except in situations of immediate risk (proximate danger) to life. - Standing Orders shared by Manitoba Justice with the Manitoba Advocate are largely compliant with allowing the use of pepper spray only in situations of immediate risk to life; however, they are inconsistent because they cite examples of other allowable situations which cannot be reasonably understood to pose “an immediate risk to life”, including “6.5 [to] Prevent a youth from escaping or attempting to”. - Furthermore, the Standing Orders at both facilities are not consistent with each other (Standing Order 03-967 and Standing Order 974). Improving consistency within and among standing orders would increase compliance with this intent. 2. To notify the Manitoba Advocate immediately of any incident where pepper spray was discharged. - Manitoba Justice reported a single pepper spray incident in 2019 to the Manitoba Advocate. The report was not immediate as the Manitoba Advocate was notified eight days later and the full details were provided over three weeks following the incident. - In January 2020, the Manitoba Advocate requested that Manitoba Justice notify her office within 48 hours following any use of OC spray. On September 15, 2020, Manitoba Justice confirmed that the Executive Director will inform the Manitoba Advocate within two business days of any incident, in case an incident occurred on a Friday, and to send full details of the incident in the weeks following that initial notification. This process would be ongoing. Hence, this intent has been met. 3. To have an external and independent body review and/or investigate every incident of pepper spray use and provide recommendations. - Manitoba Justice provided MACY with a comprehensive report investigating the incident of pepper spray use in 2019 and recommending logical and feasible changes in services. This report complies with the intent of the recommendation. - The analysis of the incident is consistent with the intent of the recommendation as it evaluated the use of force in relation to “immediate risk to life”. - The investigation was conducted and the report was written by Manitoba Justice employees, and thus the process was neither external nor independent. Due to the comprehensiveness of the report, the Manitoba Advocate, the independent review body for youth justice, decided not to investigate further. - While further information was provided on September 15, 2020 regarding the Use of Force	

policy and how correctional officers (juvenile counsellors) are expected to respond based on recognition of a young person's displayed behavior, no update has been provided on whether the recommendations emerging from the internal investigation have been implemented, or if there is a plan for implementation. Nevertheless, this intent has been met.

4. To consider funding cell doors which open both ways.

- As per information received on September 15, 2020, Manitoba Justice considered funding cell doors which open both ways and has begun installing two-way doors at the Manitoba Youth Centre. According to the department, as there is significant cost, the process will take some time however it has commenced. Two-way doors allow correctional officers to enter a room that might be barricaded without the use of pepper spray. This intent has been met.

The actions and evidence submitted indicate that:

- The policies in place are consistent with use of pepper spray only in cases of immediate risk to life; however, there are some reasonable uses that are not consistent with the recommendation and some inconsistencies between facilities.
- As stated in the recommendation Manitoba Justice reported the pepper spray incident to the Manitoba Advocate and investigated the incident, with some minor deficiencies in implementation including timeliness. The department has agreed to notify the Manitoba Advocate within two business days of any future pepper spray incidents and to provide a full report in the weeks following the initial notification. The Manitoba Advocate may choose to investigate the incident independently once notified. This ensure that there is oversight on the use of pepper spray in Manitoba youth custody facilities.
- Manitoba Justice has begun installing two-way cell doors at the Manitoba Youth Centre. More information to regarding the number of doors that have so far been installed and how many more will be completed, including those at the Agassiz Youth Centre.
- Overall, actions reported entirely meet requirements of the intent, deeming Manitoba Justice's response fully compliant with the recommendation. Of note, there has been no use of pepper spray for over a year in Manitoba youth custody facilities.

COMPLIANCE DETERMINATION

Nelson Mandela – Recommendation 5

Recommendation Summary: Enhance therapeutic behaviour management alternatives in youth custody facilities.

Primary Public Body: Manitoba Justice

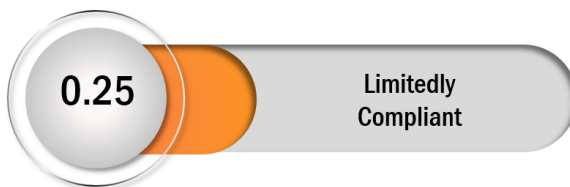
1. To develop an action plan with Manitoba Health, Seniors and Active Living, and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs

Manitoba Justice has partnered with Manitoba Health, Seniors and Active Living, and Manitoba Families to review youth justice services. The review was announced February 2019. Manitoba Justice provided information on existing therapeutic supports.

Outstanding action: Release the youth justice review and create an action plan to increase therapeutic and culturally appropriate supports in youth custody facilities.

Intent 1

COMPLIANCE DETERMINATION



Manitoba Justice is working with Manitoba Families and Manitoba Health, Seniors and Active Living to review youth justice services. However an action plan that includes enhancements to therapeutic programs in custody has not been released. Actions demonstrate implementation of a small part of the recommendation, therefore this recommendation is limitedly compliant.

Manitoba
Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
Date Released:	2/21/2019
Full Recommendation: (including details)	Recommendation Five: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice respond to the overrepresentation of youth with mental illnesses, cognitive vulnerabilities, and childhood trauma by developing an action plan with Manitoba Health, Seniors and Active Living and Manitoba Families for the implementation of evidence informed and culturally-safe therapeutic behavioural management alternatives to solitary confinement and pepper spray, with the goals of enhancing the rehabilitation and successful reintegration of youth in Manitoba communities, reducing recidivism, and improving the public safety of all Manitobans.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To develop an action plan with Manitoba Health, Seniors and Active Living, and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs.
Theme:	Solitary Confinement
Issue:	Mental Health
Primary Department:	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.
3. Rationale for Determination (How did you reach this compliance determination)	
1. For Manitoba Justice to develop an action plan with Manitoba Health, Seniors and Active Living, and Manitoba Families to implement evidence informed and culturally safe therapeutic behavioural management programs The partnership between the ADMs of the Community Safety Division (Manitoba Justice) and Manitoba Families on the youth justice review announced February 2019 for youth involved in both justice and child welfare is a promising one, and addresses one portion of the recommendation. On September 2, 2020, Manitoba Justice confirmed that Manitoba Health, Seniors and Active Living has been engaged with the youth justice review to bring expertise in mental health and therapeutic supports.	

- The focus of the youth justice review on increasing supports for youth and reducing reliance of incarceration is in line with the intent of the recommendation to reinforce rehabilitative and therapeutic approaches. However, given the early stages of the youth justice review, not enough information was provided on whether a plan has been developed to increase therapeutic and rehabilitative supports for youth in custody. No information has been provided on concrete changes made to current services in Manitoba youth custody facilities; however the department noted on September 2, 2020 that with the recent decreases in the number of youth being held in custody yet no decreases in the number or availability of health care professionals, this “has resulted in the possibility of more time being available for youth in need of this type of assistance”.
- It is also not clear how the youth justice review will impact youth in custody that are not involved in the child welfare system.
- The department’s June 30, 2020 MACY-RAP submission as well as its responses to MACY’s June 2020 questions provided substantial information on existing therapeutic supports for MACY to assess whether services are evidence informed and culturally appropriate. It remains unclear whether services have been enhanced since the issuance of this recommendation or were pre-existing, and how many youth access these programs.

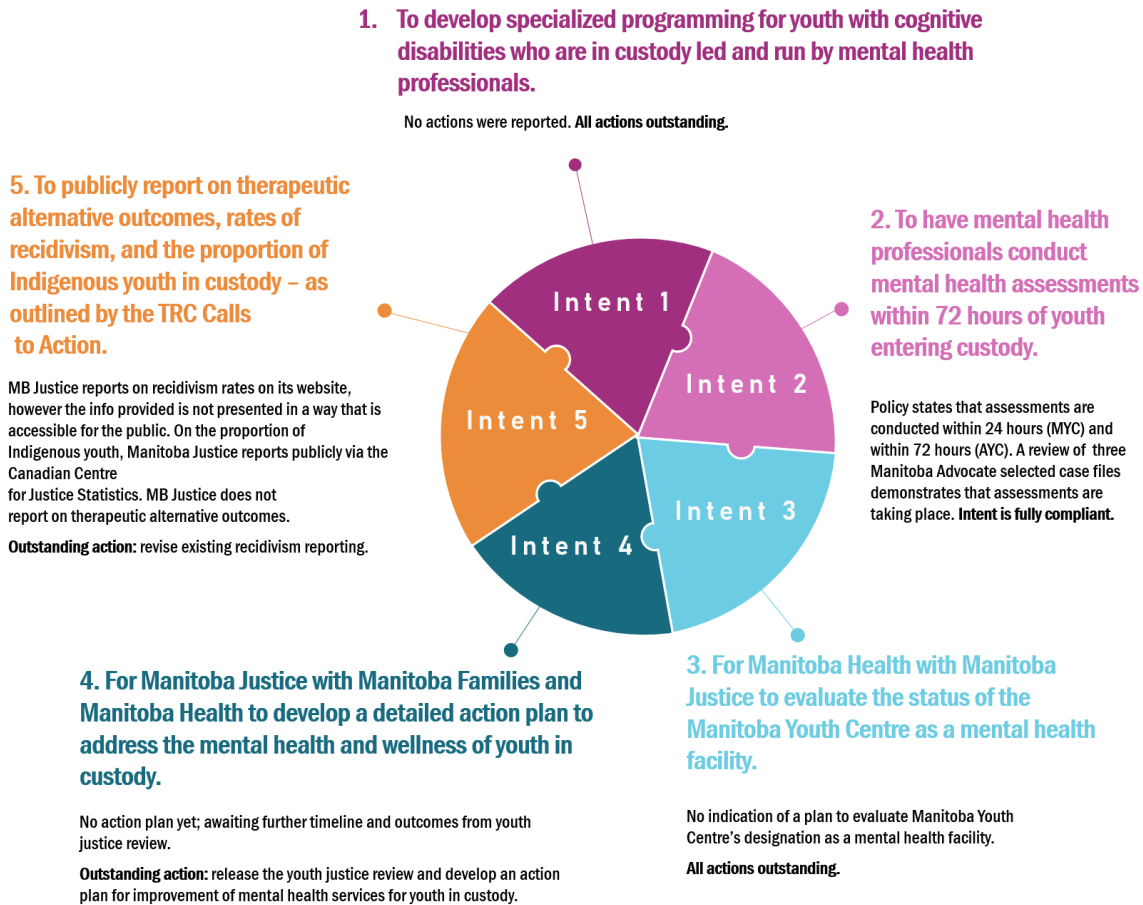
Steps have been taken which align with the intent of the recommendation and fulfill requirements to a limited degree, particularly with the youth justice review. However, significant deficiencies exist in implementation activities, namely that an action plan has not yet been created to enhance therapeutic and rehabilitative programs in Manitoba youth custody facilities.

COMPLIANCE DETERMINATION

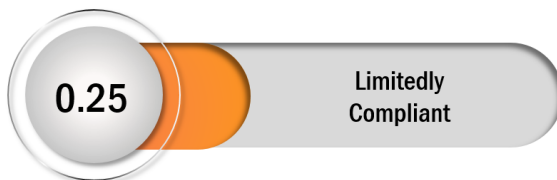
Nelson Mandela – Recommendation 6

Recommendation Summary: Create specialized facility for youth in custody with cognitive vulnerabilities and mental illness.

Primary Public Body: Manitoba Justice



COMPLIANCE DETERMINATION



Actions taken only implement a small part of the recommendation, namely completing mental health assessments upon entry. All other requirements are outstanding.

Manitoba Advocate

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	Learning from Nelson Mandela: A Report on the Use of Solitary Confinement and Pepper Spray in Manitoba Youth Custody Facilities
Date Released:	2/21/2019
Full Recommendation: (including details)	Recommendation Six: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice and Manitoba Health, Seniors and Active Living immediately embark on the development of a specialized health facility led and run by mental health professionals to provide evidence-informed programming for youth with mental illnesses or cognitive vulnerabilities in custody, including youth who are found not criminally responsible. DETAILS: • That Manitoba Justice conduct comprehensive mental health assessments, followed by ongoing treatment and assessments by mental health professionals within 72 hours of youth entering custody. • That Manitoba Health, Seniors and Active Living, with the full cooperation of Manitoba Justice, evaluate the ability and capacity for the Manitoba Youth Centre to serve as a mental health facility as provided by <i>Facilities Designation Regulation</i> for the purposes of <i>The Mental Health Act</i>. • That Manitoba Justice collaborate with Manitoba Families, Manitoba Health, Seniors and Active Living, youth with lived and living experience in correctional facilities, subject-matter experts, correctional officers, and Indigenous Knowledge Keepers as well as representatives with critical perspectives from the juvenile justice, health care, advocacy, and legislative arenas in the development of a detailed action plan with timelines and measurable outcomes to address the mental health and wellness of youth in custody. • That Manitoba Justice identify, measure, and publicly report on the therapeutic alternative outcomes of the action plan annually, including rates of recidivism and the proportion of Indigenous youth in custody as outlined by the Truth and Reconciliation Commission of Canada's Calls to Action.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. To develop specialized programming via a facility for youth with cognitive disabilities who are in custody which are led and run by mental health professionals.

	- To have mental health professionals conduct mental health assessments within 72 hours of youth entering custody. - For Manitoba Health with the cooperation of Manitoba Justice to evaluate the status of MYC as a mental health facility. - For Manitoba Justice with Manitoba Families and Manitoba Health to develop a detailed action plan with timelines and outcomes to address the mental health and wellness of youth in custody. - To publicly report on therapeutic alternative outcomes, rates of recidivism, and the proportion of Indigenous youth in custody – as outlined by the Truth and Reconciliation Commission of Canada’s Calls to Action.
Theme:	Solitary Confinement
Issue:	Specialized Facility
Primary Department:	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	The requirements have been fulfilled to a limited degree, resulting in a significant deficiency in the implementation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
To develop specialized programming via a new facility for youth with cognitive disabilities who are in custody which are led and run by mental health professionals. - Information on existing specialized programming for children and youth with complex needs was provided on June 30, 2020. It is unclear whether the programming was led by mental health professionals or what programming was enhanced since the recommendation was released. To have mental health professionals conduct mental health assessments within 72 hours of youth entering custody - Upon admission, Manitoba Justice reported that all youth meet with a Correctional Psychiatric Nurse (CPN) for a suicide assessment and safety plan, and a risk assessment of risk within the facility. The risk assessment that is utilized is the (Y)LS/CMI. This is done at MYC within 24 hours and at AYC within 72 hours of a youth being admitted. To evaluate the status of MYC as a mental health facility. - There is no indication in any of the documents provided by Manitoba Justice of a plan to evaluate the ability and capacity of MYC to serve as a mental health facility. To develop a detailed action plan with timelines and outcomes to address the mental health and wellness of youth in custody (Justice, Families, and Health). - Information on the youth justice review was provided on June 30, 2020. In addition to Manitoba Families, Manitoba Justice confirmed on September 2, 2020 that Manitoba Health, Seniors and Active Living has been engaged with the youth justice review. While the youth justice review is promising, no action plan has been provided. To publicly report on therapeutic alternative outcomes, rates of recidivism, and the proportion	

of Indigenous youth in custody – as outlined by the Truth and Reconciliation Commission of Canada’s Calls to Action.

- The department reports publicly on recidivism rates and these statistics are available on the Manitoba government website. However, visuals to report recidivism rates are not easily accessible. The department also annually submits data on the proportion of Indigenous youth in custody (if a youth self-reports as Indigenous) to the Canadian Centre for Justice Statistics, a division of Statistics Canada, and these statistics are made public on the Statistics Canada website. There is no indication in the documents provided that the department plans to report publicly on therapeutic alternative outcomes.

Actions indicate that the requirements of the recommendation have been fulfilled to a limited degree. In particular, Manitoba Justice reports completing a mental health assessment of every youth upon admission which complies with the requirement to complete mental health assessments within 72 hours of admission, and that the department publicly reports on recidivism rates on their website and provides the Canadian Centre for Justice Statistics (CCJS) with statistics on Indigenous ancestry which is made public on the CCJS’s website.

Other requirements of the recommendation including the development of mental health professional-run specialized services for youth with cognitive vulnerabilities, to report publicly on therapeutic alternative outcomes, to evaluate MYC’s capacity to serve as a mental health facility, and to create an action plan for mental health services have not been addressed in the responses. As a result, this recommendation is deemed limitedly compliant.

COMPLIANCE DETERMINATION

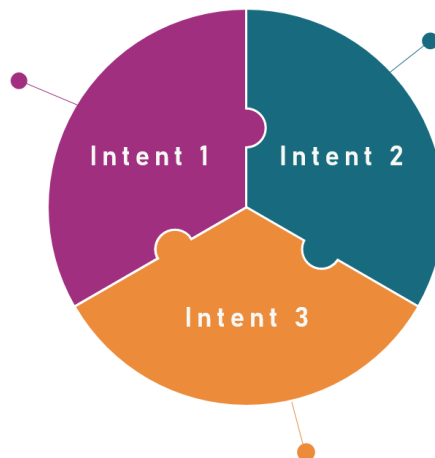
Tina Fontaine– Recommendation 1

Recommendation Summary: Review the measurement of school absenteeism, suspensions, expulsions and create a province-wide strategy to address issues.

Primary Public Body: Manitoba Education

1. Direct the Commission on K-12 to review the measurement of and response to absenteeism across Manitoba

The Minister of Education directed The Commission on Kindergarten to Grade 12 to review issues associated with this recommendation including, absenteeism, suspensions and expulsions in a letter dated April 11, 2019. **This requirement has been met.**



2. Review the use of out of school suspensions and expulsions

Manitoba Education is working to improve the tracking of suspensions and chronic absenteeism through a single tracking form. This is a promising and necessary first step to reviewing the current use of out-of-school suspensions and expulsions.

Outstanding Action: However, a review of use of suspensions and chronic absenteeism is not yet completed.

3. Use this information to develop a province-wide strategy to limit reduce and phase out exclusionary practices

Outstanding Action: As of yet, work a province-wide strategy has not started. Activities are focused on the development of reliable data on chronic absenteeism and suspensions to inform a strategy.

COMPLIANCE DETERMINATION



Important requirements have been met and significant action was demonstrated to meet the intent of this recommendation. This recommendation is partially compliant because important requirements are outstanding, namely the development of a province-wide strategy.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	A Place Where it Feels like Home (Tina Fontaine)
Date Released:	3/12/2019
Full Recommendation: (including details)	Recommendation One: The Manitoba Advocate for Children and Youth recommends that Manitoba Education and Training ensure its recently established <i>Commission on Kindergarten to Grade 12 Education</i> review the measurement of and response to absenteeism across Manitoba. It is further recommended that the Commission review the use of out-of-school suspensions and expulsions, with the goal of developing a province-wide strategy to limit, reduce, and phase-out exclusionary practices, except in situations of imminent safety risk to students and staff. This review and strategy should provide evidence-informed practices that are in line with the best interests of the child and respect the right to education for children and youth DETAILS: • The Commission to identify how school divisions can be resourced with the capacity to measure, assess, and respond to the underlying causes of school absenteeism. Building and sustaining relationships with students who are experiencing absenteeism and their families. • Manitoba Education and Training continue efforts to improve student attendance by increasing public awareness of the right to education, identifying improvements to communication with parents and guardians around absenteeism, and to provide transparent information to the public about suspensions and expulsions.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Manitoba Education to ensure the Commission to K-12 to review the measurement of and response to absenteeism across Manitoba 2. Commission to K-12 Education to review the use of out of school suspensions and expulsions 3. Use this information to develop a province-wide strategy to limit reduce and phase out exclusionary practices
Issue:	Chronic Absenteeism, Suspensions, and Expulsions
Primary Department:	Manitoba Education
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 30, 2019

2. Compliance Determination	
Partially Compliant 0.50	Actions taken only implement part of the recommendation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1) Manitoba Education to direct the Commission to review the measurement of and response to absenteeism across Manitoba - The Minister of Education directed The Commission on Kindergarten to Grade 12 to review issues associated with this recommendation including, absenteeism, suspensions and expulsions in a letter dated April 11, 2019. This requirement of the recommendation has been completed. 2) Review the use of out of school suspensions and expulsions - The Response from MACY-RAP indicated a commitment to achieving the intent of the recommendation. A Working Group was established that received feedback from school divisions related to how the divisions are tracking suspension and chronic absenteeism. The information is intended to form the basis of a template that can be used universally across school divisions to report on suspension and chronic absenteeism rates. The data collected is intended to provide an evidence base to inform strategies to identify trends and reduce use of suspensions. Work on this initiative will resume in the fall of 2020 with the return to in-class instruction. - The review on how school division track suspensions and chronic absenteeism and the use of a single tracking forms is a promising and necessary first step to reviewing the current use of out-of-school suspensions and expulsions. However, a review of use of suspensions and chronic absenteeism is not yet completed. 3) Use this information to develop a province-wide strategy to limit reduce and phase out exclusionary practices - As of yet, a province-wide strategy has not been developed. Activities are focused on the development of tools to ensure reliable data on chronic absenteeism and suspensions. - There have been promising steps to the implementation of this recommendation. Actions taken fulfill part of the recommendation, specifically the Minister of Education has instructed the Commission to review chronic absenteeism, suspensions, and expulsions in accordance to this recommendation. While important requirements have been met, certain deficiencies affect the adequacy of the implementation, of note: the process to review the practice and create a strategy is ongoing.	

COMPLIANCE DETERMINATION

Tina Fontaine- Recommendation 2

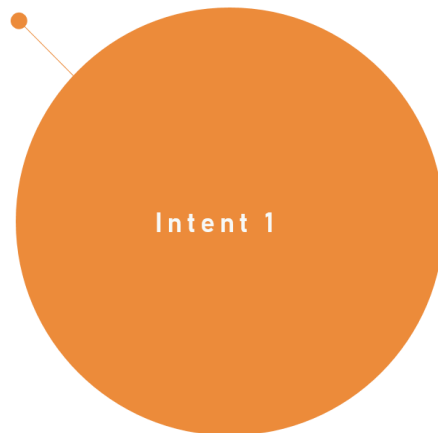
Recommendation Summary: Release a plan to implement the child and youth specific recommendations in the Virgo Report.

Primary Public Body: Manitoba Health, Seniors and Active Living

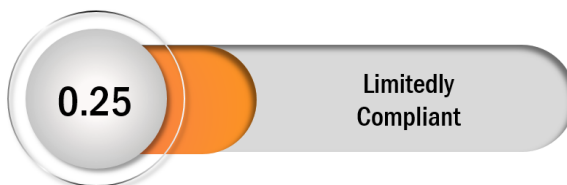
1. Release a plan to address the child and youth specific Virgo recommendations

A summary chart of the work conducted, response status and status determination was provided for some, but not all of the youth-specific Virgo recommendations.

Outstanding Action: An update on the youth-specific recommendations not included in the initial summary chart, is required. Further, clarification around whether the projects are long-term or pilot projects, is needed. Finally, an implementation plan must be designed and made public.



COMPLIANCE DETERMINATION



The intent of the recommendation is to release a complete implementation plan of the child-specific recommendations publicly, which has not yet taken place. Therefore this recommendation has been assessed as limitedly compliant.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	A Place Where it Feels Like Home: The Story of Tina Fontaine
Date Released:	3/12/2019
Full Recommendation: (including details)	Recommendation Two: The Manitoba Advocate for Children and Youth recommends that Manitoba Health, Seniors and Active Living expedite the public release of a clear implementation plan to address the child and youth-specific recommendations contained in the report on Improving Access and Coordination of Mental Health and Addiction Services: A Provincial Strategy for all Manitobans (“Virgo Report”). DETAILS: - Manitoba Health, Seniors and Active Living’s plan must ensure that resources are prioritized in rural and remote locations to ensure equitable service levels for children and youth regardless of where they are living. - The implementation plan must reflect the client populations who require them and must, therefore, be culturally-informed, and be developed in ways that reflect the voices and preferences of Indigenous health experts, Indigenous leadership, children and youth, and others with lived experiences.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Release a plan to address the child and youth specific Virgo recommendations.
Theme:	Mental Health and Addictions
Issue:	Child and Youth Mental Health
Primary Department:	Manitoba Health, Seniors and Active Living
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 30, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	Actions taken only implement a small part of the recommendation. Important requirements remain.
3. Rationale for Determination (How did you reach this compliance determination)	
1. Release a plan to address the child and youth specific Virgo recommendations	

- Manitoba Health, Seniors and Active Living provided a summary chart outlining the recommendations they have determined as being 'complete' or 'partially complete' along with the associated activities completed thus far.

While the summary chart provided is helpful in determining the activities that have occurred in association to 10 of the youth-specific recommendations named in the report, questions remain regarding the strategy to implement the remaining 29 child and youth specific recommendations. Further, clarification around whether the projects and initiatives named in the chart are long-term projects, or pilot projects is required. Finally the intent of the recommendation is to release the implementation plan publicly, which has not yet taken place.

COMPLIANCE DETERMINATION

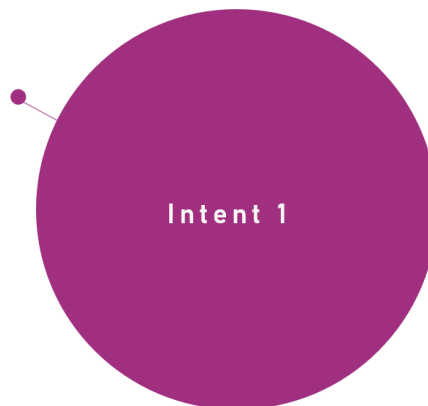
Tina Fontaine- Recommendation 3

Recommendation Summary: Evaluate victim support services for children and develop quality control measure to ensure child-centred access to benefits.

Primary Public Body: Manitoba Justice

- 1. To evaluate and improve services provided by Victim Support Services, particularly around criteria to access benefits, communication with victims, and legislative and policy application**

Victim Services has clarified criteria for child victims to be able to access benefits, improved communication with victims and within the department, counselling is offered to child victims proactively, and victim services does not impose time limitations on minors to access benefits by approving extensions. Amended staff policies and procedures were provided as evidence of changes. **Actions met intent.**



COMPLIANCE DETERMINATION



**Fully
Compliant**

Actions are fully compliant with the intent of the recommendation.

**Manitoba
Advocate**

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	A Place Where It Feels Like Home: The Story of Tina Fontaine
Date Released:	3/12/2019
Full Recommendation: (including details)	Recommendation Three: The Manitoba Advocate for Children and Youth recommends that Manitoba Justice evaluate the continuum of Victim Support Services for children and develop quality control measures to ensure that services are child centered and provided in a timely manner. DETAILS: - Manitoba Justice to examine the criteria regarding how child benefits are approved or denied and subsequently clarify and distributed to victim applicants. - Manitoba Justice to clarify current legislation and policies that are contradictory related to access to compensation services and benefits.
Intent(s) of Recommendation:	The intent of the recommendation is to: To evaluate and improve services provided by Victim Support Services, particularly around criteria to access benefits, communication with victims, and legislative and policy application.
Theme:	Victim Services
Primary Department:	Manitoba Justice
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 26, 2019
2. Compliance Determination	
Fully Compliant 1.0	The address complies entirely with the requirements of the recommendation.
3. Rationale for Determination (How did you reach this compliance determination)	
To evaluate and improve services provided by Victim Support Services, particularly around criteria to access benefits, communication with victims, and legislative and policy application - There has been significant work conducted in response to implementing this recommendation. - On improvements to the criteria to access benefits and communication, template letters were developed and modified, particularly those used in child victim matters, and policy and practices on the use of said templates were updated to ensure information on benefits is clearly communicated and staff consistently use the templates. A tracking system has been	

developed to monitor missing information and follow-up with claimants if no specific benefits are identified in an application. This is a quality control measure that ensures services are child-centered and provided in a timely manner, complying with this recommendation. Documentation demonstrating of policy changes was provided to the Manitoba Advocate.

- Victims of Crime staff now have access to the Victim Services case management system, improving internal communication. Victim Services will continue to enhance supports for children of homicide victims by exploring ways to confirm that parents and children are aware that they are able to access counselling resources.
- Victim Services no longer imposes time limitations on minors to access Victims of Crime benefits, approving extensions. Furthermore, counselling is offered proactively, even without requests. These two initiatives are consistent with a child-centered approach.

Victim Services has demonstrated improvements to the process by which child victims are able to access benefits including clarifying criteria, to how they communicate with victims particularly when applications have missing information, and to their policies in ways which are consistent with a child-centered approach. Victim Services has fully implemented the intent of this recommendation, improving accessibility and responsiveness of victim support services for children and youth in Manitoba.

COMPLIANCE DETERMINATION

Tina Fontaine- Recommendation 4

Recommendation Summary: Analyze Alberta's legislation and evaluate how safe and secure facilities can be introduced to Manitoba.

Primary Public Body: Government of Manitoba

1. Review Alberta's *Protection of Sexually Exploited Children Act* and Alberta's *Drug Endangered Children Act* to determine how safe and secure treatment facilities can be introduced in Manitoba

There are discrepancies reported by the public body as to the review of Alberta's legislation. The June 2019 response stated a review was completed yet on June 2020 response indicates that "work continues" of the Alberta legislation.

Outstanding Action: Complete and submit the review of Alberta's legislation.

2. That the DMHSPP committee to develop a plan ensuring the continuum of services for children and youth who are at imminent risk due to life-threatening addictions

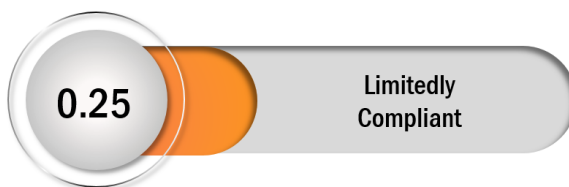
The public body indicated that Manitoba's Clinical and Preventive Services Plan is a project within Manitoba's Health System Transformation and the Virgo Recommendations that has been incorporated into the broader health care system. No rationale was provided as to how the plan addresses the needs of children and youth at imminent risk due to life-threatening addictions.

Outstanding Action: A clear plan for a continuum of services developed by the DMHSPP committee.

3. Plan must include safe, secure, home-like settings for detox and treatment programming

The public body reported on Neecheewam's new facility for sexually exploited youth that use substances. This facility was assessed as meeting the intent of the recommendation. **Actions met intent.**

COMPLIANCE DETERMINATION



The actions reported only implement a small part of the recommendation, such as the new facility for youth that use substances. However, significant deficiencies in implementation remain.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	A Place Where it Feels like Home (Tina Fontaine)
Date Released:	3/12/2019
Full Recommendation: (including details)	Recommendation Four: The Manitoba Advocate for Children and Youth recommends that the Manitoba government, through its Deputy Ministers of Health and Social Policy and Priorities (DMHSPP) committee, work with the government's Legislation and Strategic Policy Branch to analyse the province of Alberta's <i>Protection of Sexually Exploited Children Act</i> and Alberta's <i>Drug-Endangered Children Act</i> to determine how safe and secure treatment facilities can be introduced in Manitoba. It is further recommended that the DMHSPP committee develop a plan to ensure the continuum of services for children and youth includes safe, secure, home-like settings for treatment and programming when children and youth are at imminent risk of harm or death. DETAILS: • The continuum of services plan developed by the DMHSPP committee must define imminent risk, ensuring the definition contemplates issues of homelessness, addiction, and sexual exploitation. • The development of a plan for safe and secure treatment facilities must include consultation with subject matter experts, persons with lived experience, and community stakeholders to ensure the treatment settings are safe, secure, therapeutic, effective, and culturally informed.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Review Alberta's <i>Protection of Sexually Exploited Children Act</i> and Alberta's <i>Drug Endangered Children Act</i> to determine how safe and secure treatment facilities can be introduced in Manitoba 2. that the DMHSPP committee to develop a plan ensuring the continuum of services for children and youth who are at imminent risk due to life-threatening addictions 3. Plan must include safe, secure, home-like settings for detox and treatment programming
Issue:	Mental Health and Addictions
Primary Department:	Government of Manitoba
Dates of Previous Official Updates from Public Body:	June 30, 2020 December 31, 2019 June 30, 2019

2. Compliance Determination	
Limitedly Compliant 0.25	Actions taken only implement a small part of the recommendation requirements are only fulfilled to a limited degree by actions taken, resulting in significant deficiency in implementation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. Review Alberta's <i>Protection of Sexually Exploited Children Act</i> and Alberta's <i>Drug Endangered Children Act</i> to determine how safe and secure treatment facilities can be introduced in Manitoba - There are discrepancies reported by the public body as to the review of Alberta's legislation. The Department of Families reported in June 2019 that a review was completed. However, in June 2020 the Department of Families indicated that "work continues" of the review of the Alberta legislation. Results and analysis of this review were not provided. It is not clear how the review is considering the use of safe and secure treatment facilities for youth in Manitoba. 2. That the DMHSPP committee develop a plan ensuring a continuum of services for children and youth who are at imminent risk due to life-threatening addictions - MACY-RAP reported that the Manitoba's Clinical and Preventive Services Plan (MCPSP) is a project within Manitoba's Health System Transformation and the Virgo Recommendations that has been incorporated within the broader health care system (December 31, 2019 update). Rationale was not provided on how the plan addresses the needs of children and youth that are at imminent risk due to life-threatening addictions. - A review of Manitoba's Clinical and Preventive Services Plan by Shared Health from November 18, 2019 does not mention addiction treatment for youth. A PowerPoint available online on MCPSP does not address the specific service needs for children and youth with life-threatening addictions, nor the development of a continuum of services for this population. - In the December 2019 synopsis, it was reported that Manitoba will adopt a Stepped Care Model which mental health and addictions treatment and recover support services are aligned to five tiers of complexity. There is no evidence provided that the model is targeted to youth services as opposed to the larger public. - According to the December 2019 report, the current focus is on making short term changes and implementing initiatives that will have an immediate impact. However, there is no clear continuum of services plan developed by the DMHSPP committee that defines imminent risk, ensures the definition contemplates issues of homelessness, addiction, and sexual exploitation. 3. The Plan must include safe, secure, home-like settings for detox and treatment programming. The development of safe and secure treatment settings must include consultation with experts, persons with lived experience and community stakeholders - Information was not provided on how Manitoba's Clinical and Preventive Services Plan includes safe, secure, and home-like settings to address the detox and treatment programming needs of children and youth with life-threatening addictions. - Manitoba Families announced in November 2019, that the Neecheewam Inc. organization will receive 3.8 million to create a facility for youth in Manitoba who are using substances and who are sexually exploited to provide Indigenous-led healing. According to the June 2020 report,	

the facility is expected to begin operations in summer of 2020. This facility will not be secure, it will be voluntary.

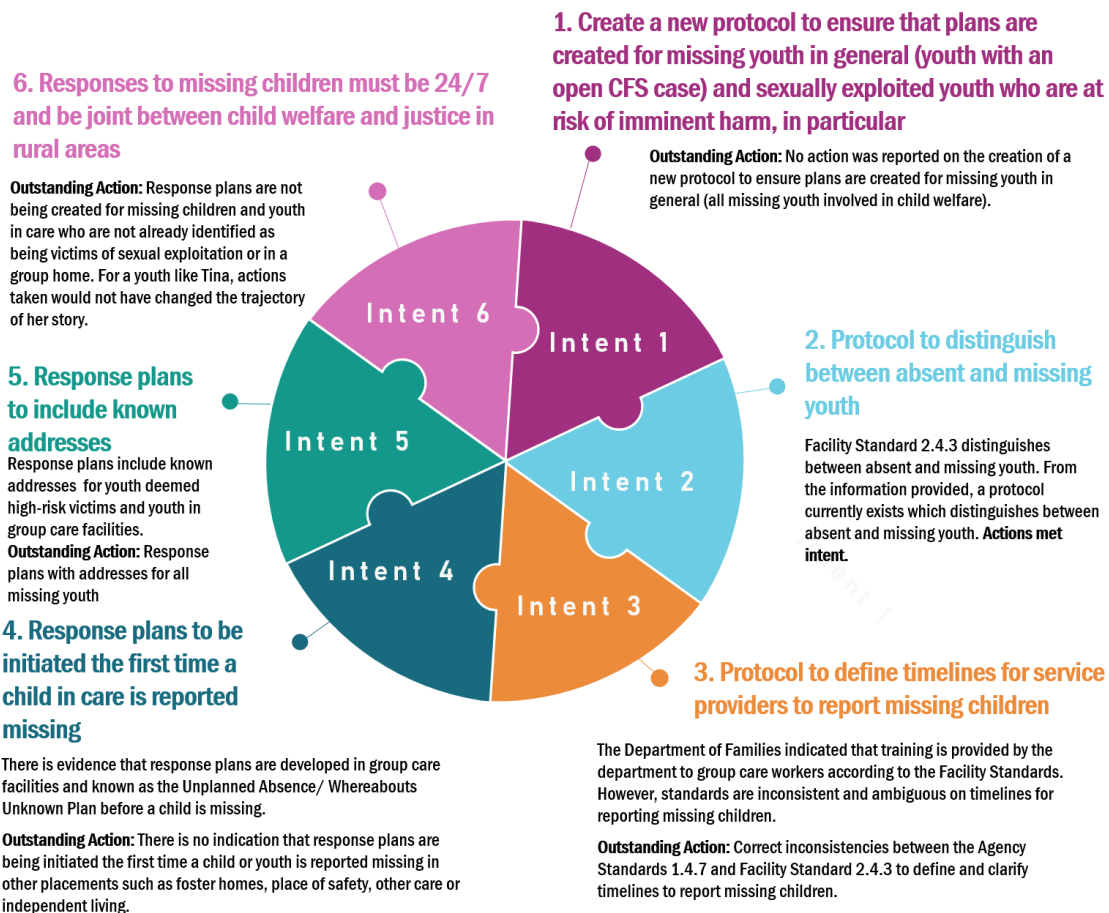
- In support of this alternative to the recommendation the addressee stated: “The placement will not be locked, in keeping with feedback received from community and youths, and in keeping with the temporary use of a non-locked facility for Strong Hearts. The open nature of the placement is considered essential in developing the needed trust relationships to increase successful treatment, required flexibility of admission, and in reflection of the long history of colonization, residential schools and ongoing racism faced by most of the youths involved with StreetReach and their families. Youth will be able to self-refer to the locked Crisis Stabilization Unit located in the same building. Family, community supports and positive connections to support an individual’s healing journey will have access to the youth in the facility.” While the facility is not secure, it meets the intent of the recommendation, in particular the requirement stated in the details for consultation with experts, persons with lived experience, and community stakeholders who advised against a secure facility. The addressee has sufficiently justified deviation from the original letter of the recommendation while providing evidence of meeting the intent of the recommendation.
- Activities reported fulfill the requirements of this recommendation to a limited degree including the implementation of a new facility that addresses detox and treatment programming. Yet, significant deficiencies in the implementation of this recommendation remain since insufficient information was provided on the results of the legislative review and no rationale was provided on how existing plans of healthcare transformation address the needs of children and youth with life-threatening addictions.

COMPLIANCE DETERMINATION

Tina Fontaine- Recommendation 5

Recommendation Summary: Protocol to ensure that response plans are created for missing youth receiving child welfare services, and sexually exploited youth in particular.

Primary Public Body: Manitoba Families



COMPLIANCE DETERMINATION

0.25

Limitedly
Compliant

Actions reported meet some intents of the recommendation but significant deficiencies remain in the overall implementation of the recommendation.

Recommendation Compliance Summary

This form details the assessment of compliance with recommendations made under Section 27 and Section 31 of *The Advocate for Children and Youth Act*. MACY assesses recommendations for compliance once a year but receives updates from the public bodies every six months.

1. Recommendation Information	
Report Name:	A Place Where it Feels like Home (Tina Fontaine)
Date Released:	3/12/2019
Full Recommendation: (including details)	Recommendation Five: The Manitoba Advocate for Children and Youth recommends that Manitoba Families, in consultation with other government departments and relevant stakeholders, create a new protocol to ensure that response plans are created for missing youth in general, and sexually exploited youth in particular who are at risk of imminent harm. DETAILS: Manitoba Families to ensure that this protocol: • Distinguishes between absent and missing youth. • Require that plans are initiated the first time a child goes missing, and that there is a further requirement to ensure the response plan is consistently reflective of the harm and dangers that are present in the individual child's life. • Provide timelines for when service providers must report missing children and act to locate them as quickly as possible, including when their whereabouts are known, when and how to report their absence to police. • Include clear components for response plans and include any known addresses where the youth may be located or is known to frequent. • Include 24/7 provisions for a joint child welfare and justice response in Winnipeg and ongoing capacity for a joint child welfare and justice response for missing and sexually exploited youth in rural areas. • Includes consultation with persons with lived experience, community members, and relevant stakeholders.
Intent(s) of Recommendation:	The intent of the recommendation is to: 1. Create a new protocol to ensure that plans are created for missing youth in general and sexually exploited youth who are at risk of imminent harm, in particular 2. Protocol to distinguish between absent and missing youth 3. Protocol to define timelines for service providers to report missing children 4. Response plans to be initiated the first time a child is reported missing 5. Response plans to include known addresses

	6. Responses to missing children must be 24/7 and be joint between child welfare and justice in rural areas
Issue:	Sexual Exploitation
Primary Department:	Manitoba Families
Dates of Previous Official Updates from Public Body:	June 30, 2020
	December 31, 2019
	June 30, 2019
2. Compliance Determination	
Limitedly Compliant 0.25	Actions taken fulfill requirements to a limited degree resulting in significant deficiency in implementation.
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
1. Create a new protocol to ensure that plans are created for missing youth generally and sexually exploited youth who are at risk of imminent harm, in particular - No action was reported on the creation of a new protocol to ensure plans are created for missing youth in general (youth involved in child welfare). The Department of Families indicated that StreetReach watches for youth who are unknown to the program and frequent the Missing Person's list. StreetReach will reach out to the youth's legal guardian to advise of the program and encourage a referral they can get involved and mitigate risk as best as possible. This process is not followed for all missing youth, no definition of frequently missing youth was provided. No protocol outlining the process of identifying frequently missing youth was provided. - For sexually exploited youth, the Department of Families indicated that a High Risk Response Plan is coordinated by StreetReach when a youth is deemed a high-risk victim for sexual exploitation in coordination with Winnipeg Police Services (WPS). The process includes bi-annual response meetings with collaterals to create a plan for the missing youth. The response indicates that for all youth deemed high-risk victims and attached to StreetReach the case managers are continuously engaged in the systems planning meeting. However, it remains unclear how the protocol in the recommendation engages youth who are categorized as levels 2-4 in their risk assessment (i.e transitioning, entrenched and transitioning away from the sex trade) and are not actively attached to StreetReach. - There is currently no protocol or policy to create plans for missing children or youth. There is no protocol to produce response plans for missing children or youth in general. Once a youth is deemed a high-risk victim for sexual exploitation response plans are created. StreetReach only serves high-risk victims in Winnipeg with some services also available in Thompson. The Department of Families has demonstrated that response plans are created for high-risk youth in StreetReach and those in group care facilities but not for youth in foster care. .	
2. Protocol to distinguish between absent and missing youth The Department of Families noted that the Facility Standard on Absences was updated in 2017. Facilities Standards 2.4.3 distinguish between absent and missing youth. Absences are defined as planned or unplanned, they do not automatically require a report to local law enforcement Missing Person Units. An Endangered Missing Person is defined as someone with a physical or mental disability or someone who is very young, someone dependent on prescription	

medication, or someone who is unfamiliar with the city, it also includes youth with violent behaviours or “engaged in a high-risk lifestyle.”

- In addition, [Agency Standards 1.4.7](#) further detail that an unplanned absence may pose an immediate risk to the safety and health of the child, including dangerous environments such as open water, severe weather, and nightfall, appropriateness of dress for weather conditions, and any high risk indicators which includes the definition of Endangered Missing Person. From the information and evidence provided, a protocol currently exists which distinguishes between absent and missing youth.

3. Protocol to define timelines for service providers to report missing children

- The Department of Families indicated that training is provided by the department to group care providers on incident reporting which includes protocol for calling in youth who are absent from placement which is described in the Facility Standards. However, the Facility Standard 2.4.3, Section 3: Absences does not clearly outline timelines for service providers to report missing children. For children where whereabouts are unknown or they are believed to be at high or immediate danger it states that “a call to local law enforcement Missing Persons Unit **may be** required.” (**emphasis added**)
- Agency Standards 1.4.7 Section 7: Absent and Missing Children, states that “Should an unplanned absence pose an immediate risk to the safety and health of the child the care provider or agency worker must call law enforcement immediately (...).” Immediate risk is defined in the standard. Inconsistencies between the Agency Standards 1.4.7 and Facility Standard 2.4.3 introduce ambiguity to the timelines required for service providers to report missing children.

4. Response plans to be initiated the first time a child is reported missing

- There is evidence that response plans are developed in group care facilities and known as the Unplanned Absence/ Whereabouts Unknown Plan. These plans are developed jointly by the group care facility and guardian agency and describe the action to be taken when a youth is absent.
- According to Manitoba Families Annual Report from 2019-2020, 6, 853 children or youth were placed in foster home, 2,385 in place of safety, 354 in group care facilities, 146 in other care, and 111 in independent living. There is no indication that response plans are being initiated the first time a child or youth is reported missing in other placements such as foster homes, place of safety, other care or independent living. There is ambiguity as to whether unplanned absences from foster homes have a similar Unplanned Absence/ Whereabouts Unknown Plan as that in group care facilities.
- Furthermore, the response indicates that there are internal guidelines in place which prioritize when youth are away from placement such as following a daily missing persons list from WPS to track the frequency and length of time a youth is missing and subsequently connecting with social workers regarding communication they may have had with the missing youth. In an excerpt from the Winnipeg Police Missing Persons Unit found in Facility Standard 2.4.3 a risk assessment is conducted on every reported missing person and if the assessment dictates, a uniform car will be dispatched, but there is no mention of a response plan.

5. Response plans to include known addresses

- In general, children and youth that are missing do not have response plans. Response plans are developed for youth deemed high-risk victims (HRV). For HRVs, response plans include known addresses.
- The Unplanned Absence/ Whereabouts Unknown Plan for use in group care facilities, includes a section on known addresses.

6. Responses to missing children must be 24/7 and be joint between child welfare and justice in rural areas

- The Department of Families indicated that enhancement and expansion of services to Thompson is in the early stages of development and StreetReach Winnipeg will coordinate with RCMP and Brandon Police Service if a missing child is believed to be in Winnipeg. There is no inclusion of 24/7 provisions for a joint child welfare and justice response in Winnipeg and ongoing capacity for a joint child welfare and justice response for missing and sexually exploited youth in rural areas.
- The Department of Families on the community response to StreetReach North in Thompson reported the following statistics: 167 returns of children/youth to placements or place of safety; 261 address checks were conducted; 733 relationship building contacts with youth (this number includes multiple points of contact with a single youth); and 3 transport assists
- The actions taken show that response plans are created for youth that are missing and deemed at high risk victims of sexual exploitation in Winnipeg and Thompson. However, response plans are not currently created for missing children and youth in care who are not already identified as being victims of sexual exploitation or in a group home, which are the majority of children involved in the child welfare system. Inconsistencies remain in policies on the timing of reporting children in child welfare care who are missing to law enforcement. **For a youth such as Tina Fontaine who was not in a group care facility or in foster care, actions taken would not have changed the trajectory of her story.** As such, the requirements of this recommendation have been fulfilled to a limited degree, resulting in significant deficiency in the implementation.

