

Skye's Legacy: A Focus on Belonging

RCY Annual Review Year 1 (based on Sept. 29, 2022 evidence)

Nov. 15, 2022

Summary: The Representative's report *Skye's Legacy: A Focus on Belonging* was released on June 20, 2021 and included three recommendations to ensure that Indigenous children in the B.C. government's care realize a sense of belonging that reflects an expanded understanding of permanency, including connection and belonging to people, place, culture and a positive sense of self. The recommendations included in this report identified immediate actions necessary to ensure children in the government's care realize this sense of belonging and social workers are supported to fulfill this expectation through new investments and training. These recommendations were made in the context of the Representative's strong support for the resumption of jurisdiction by First Nations, Métis and Inuit communities over their own child welfare services and she is encouraged to see progress in the government's commitment to this work in B.C.'s *Indigenous Self-Government in Child and Family Services Amendment Act*. However, as was noted in the report, the Representative believes while that transformation process unfolds, it is necessary for the Ministry of Children and Family Development (MCFD) to take immediate steps to ensure that Indigenous children **currently** in its care can realize the sense of belonging that they need and deserve.

The Representative received MCFD's *Skye's Legacy* Action Plan to respond to her recommendations on Sept. 29, 2022, 10 months after it was due, and was unable to approve the plan as key actions necessary to fulfill her recommendations have not been included. Sixteen months after the release of her report, there is still no plan for a systemic needs analysis or resourcing plan to ensure that social workers are better supported to promote a sense of belonging and identity for First Nations, Métis, Inuit and Urban Indigenous children and youth in care, and none of the recommended reviews and revisions of care-planning and case management standards, policies, practice guidelines and training materials have been completed. Perhaps more concerning is that, where MCFD has reported some progress, it is evident that efforts to expand the ministry's understanding of belonging fall short of the strategic and philosophical shift called for in *Skye's Legacy*. The Representative and her team will continue to work closely with the ministry to raise awareness about the immediate need to provide improved care for children like Skye, while simultaneously supporting legislative changes to restore jurisdiction by First Nations, Métis and Inuit communities.

RCY Assessment Definitions:

- **Complete** = All activities that directly support the implementation of the recommendation are complete
- **Substantial Progress** = Most of the activities that directly support the implementation of the recommendation are complete
- **Some Progress** = Some of the activities that directly support the implementation of the recommendation are complete
- **No Progress** = None of the activities that directly support the implementation of the recommendation are complete (pre-planning may be underway but there has been no progress in formal planning or implementation).

Recommendation		Ministry's Response	RCY Assessment
#1	<p>MCFD to conduct a systemic needs analysis of cultural and family support resources required to ensure that social workers are better supported to promote a sense of belonging and identity for First Nations, Métis, Inuit and Urban Indigenous children and youth in care in relation to their families, culture and cultural community over time and at different stages in their lives and identity development. This review will inform the development of a longer-term resourcing and implementation plan. However, given the urgent need to address the significant over-involvement of the child welfare system in the lives of Indigenous children and families and poor outcomes for Indigenous children in the child welfare system, a substantive investment of new resources should be made immediately that can be considered a down payment on the resources identified for the longer-term plan.</p> <p>Note: The needs analysis of cultural support resources must be informed by meaningful consultation and collaboration with First Nations, Métis and Inuit entities in accordance with obligations under <i>DRIPA</i> and recognizing that Indigenous people hold the expertise, and inherent right of responsibility, over their children. Without limiting the foregoing, the ministry should consider enhancing social workers' capacity to do the required work; Roots workers/Family Finders; working with communities to create cultural support circles, matriarchal circles or other circles deemed appropriate by individual communities; cultural reconnection and reunification actions such as visits to home</p>	<p>Year 1 Evidence – Received September 2022</p> <p>MCFD reports that the ministry is focused on connecting Indigenous children and youth with their families, extended families and communities. In its Year 1 progress report, MCFD reports that it has funded cultural connection activities for the last several years and has invested \$5 million in this area in fiscal commitments and one-time-only funding.</p> <p>MCFD has reported that it is engaging with Indigenous rights holders, Indigenous partners and the Government of Canada on implementation of the federal act regarding child welfare and service provision. This engagement will include assessing the current supports for belonging across the continuum of living situations of Indigenous children and youth as well as identifying emerging roles of partners in resourcing and delivery of enhanced supports for belonging, including for Indigenous children and youth in care. Through this engagement MCFD, in collaboration with its partners, aims to develop a plan to ensure that children and youth are connected to community and culture.</p>	<p>Year 1 Assessment</p> <p>No Progress</p> <p>The Representative has reviewed the evidence provided in the Year 1 progress report and determined that no new resources have been secured and implemented to enhance cultural and family support services to support a sense of belonging and identity for First Nations, Métis, Inuit and Urban Indigenous children and youth in care since the release of <i>Skye's Legacy</i>. No evidence of a substantive investment of new resources or plans to make such an investment for either Indigenous Child and Family Service Agency (ICFSA) or MCFD services was reported.</p> <p>MCFD is, however, making progress towards stabilizing cultural connection services for children served by ICFSAs, by administering half of the existing \$5-million budget through monthly service agreements, with the remainder administered through one-time-only funds. While this will support continuity of care, in the absence of a needs assessment or new budget investment, this change is not expected to address the gaps and underfunding identified in <i>Skye's Legacy</i>.</p> <p>The Representative found that MCFD has also not begun any planning towards the systemic needs analysis and resourcing plan called for to ensure that social workers are better supported to promote a sense of belonging and identity for First Nations, Métis, Inuit and Urban Indigenous children and youth in care in relation to their families, culture and cultural community over time and at different stages in their lives and identity development. Instead, MCFD aims to develop a plan to assess belonging as part of its work on the implementation of the federal <i>Act respecting First Nations, Inuit and Métis</i></p>

<p>communities and places of connection; support for case re-assessments and family/community reconnection; support to family member visitations regardless of where the child lives; participation in cultural activities; and children in care being supported to visit their traditional territories for significant family or milestone ceremonies and at minimum twice a year.</p> <p>Funding for immediate and substantive new resources to be secured and implementation to begin no later than April 1, 2022. Needs analysis and resourcing plan to be completed by Sept. 30, 2022 with longer-term, sustained funding secured and implementation of new resources beginning by April 1, 2023.</p>		<p><i>children, youth and families.</i> While the Representative is concerned that efforts will not meet her recommended timelines, she is encouraged to see that the needs analysis of cultural support resources will be informed by meaningful consultation and collaboration with Indigenous rights holders and Indigenous partners. The Representative will work with MCFD to understand how supports for belonging and identity will be assessed, determined, resourced and implemented through this engagement and its alignment with <i>DRIPA</i>.</p>
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	Recommendation	Ministry's Response	RCY Assessment
#2	<p>That MCFD conduct a comprehensive review and revision of all relevant care-planning and case management standards, policies, practice guidelines and training materials with the goal of aligning those materials with the dimensions of belonging, as described in this report. (See Appendix F for areas the Representative has identified for policy amendments.)</p> <p>Note: The review and revisions noted above should be aligned with the 'best interest' provisions in the federal act concerning First Nations, Inuit and Métis children and families, informed by meaningful consultations with relevant First Nations, Métis, Inuit and Urban Indigenous entities and include Delegated Aboriginal Agencies (now ICFSAs) as well as the Policy, Practice and Aboriginal Services branches within MCFD to ensure a fulsome and progressive review that advances the changes that are already underway.</p> <p>Revisions of all relevant materials to be completed by March 31, 2022.</p>	<p>Year 1 Evidence – Received September 2022</p> <p>MCFD has reported progress on actions underway to support the implementation of the federal <i>Act respecting First Nations, Inuit and Métis children, youth and families</i> including new training for staff and a new Restorative Practice Guide that links the federal legislation, the <i>Child, Family and Community Service Act (CFCS Act)</i>, the <i>Aboriginal Policy and Practice Framework (APPF)</i>, and Policy 1.1 – Working with Indigenous Children, Youth, Families and Communities. The aim of this work is to incorporate a restorative approach to practice and to improve successful outcomes for Indigenous children, youth, families and communities.</p> <p>MCFD also reported in its Year 1 progress report that it has conducted a comprehensive review of all relevant care-planning and case management standards, policies and practice guidelines, including the <i>Practice Guidelines for Guardianship Documentation</i> document.</p>	<p>Year 1 Assessment</p> <p>No Progress</p> <p>The Representative has reviewed resources developed by MCFD for training on the implementation of the federal act in the context of the <i>CFCS Act</i> and policy for working with Indigenous children, youth, families and communities, and has determined that there is no content to align those materials with the dimensions of belonging, as described in her report and, in fact, the materials still reference the four dimensions of permanency.</p> <p>The Representative also reviewed evidence provided for the comprehensive review of and revision of all relevant care-planning and case management standards, policies, practice guidelines and training materials provided and found no progress toward this recommendation and no plan in place for the comprehensive reviewed called for.</p> <p>In December 2022, representatives from RCY met with MCFD to share concerns that the current action planning toward this recommendation will not meet the intention of the recommendation. RCY has requested a more robust plan that will address the philosophical and strategic shifts required to fulfill the system's responsibility to foster belonging for children and youth in care.</p>

	Recommendation	Ministry's Response	RCY Assessment
#3	<p>In the interest of improving practice, that MCFD distribute <i>Skye's Legacy: A Focus on Belonging</i> to all staff who work with and plan for children and youth who are in care or who may come into care, and then meaningfully engage in discussions with those staff about belonging for children and youth in the context of case planning, decision-making and the development and implementation of care plans. These discussions should be informed by the Circle practices developed in the APPF in order to foster strength-based, holistic and restorative work that centres child and youth well-being and belonging and should be designed to promote thoughtful reflection and enhance understanding. This process of engagement should not be a one-time process and should occur regularly to support strong practice development and reflection.</p> <p>Report dissemination to be completed by Aug. 31, 2021 and initial Circle discussions to be completed by March 31, 2022.</p>	<p>Year 1 Evidence – Received September 2022</p> <p>MCFD has taken steps to disseminate the <i>Skye's Legacy</i> report by posting the link on its internal iConnect website with a statement from the Minister for Children and Family Development. The ministry has also begun work with RCY to develop a webinar training resource for staff and has met multiple times between October 2021 and March 2022 to contribute.</p> <p>MCFD is planning engagement with the ICFSA Directors regarding the creation of Circles to support dissemination with ICFSA staff.</p> <p>MCFD has also completed work for incorporating belonging in youth transitions, planning and decision-making, which entails the updated interim guidelines for Youth Transitions Early Readiness Prototype.</p>	<p>Year 1 Assessment – Completed November 2022</p> <p>Some Progress</p> <p>The Representative has reviewed efforts by MCFD to distribute the <i>Skye's Legacy</i> report and develop knowledge mobilization resources for staff and has found that some progress has been made towards the implementation of her recommendation. However, despite the efforts to date, RCY Advocates report that Skye's story is still unknown to many, and the dimensions of belonging are not coming through in the context of case planning at this time.</p> <p>The Representative is encouraged by the engagement of staff from the Office of the Provincial Director of Child Welfare, who have contributed to the development of an RCY webinar-based learning resource on belonging, but notes there is currently no implementation plan for how to mobilize this resource within MCFD, and the launch has been delayed from June 2022 to November 2022 at the request of MCFD Executive. Further, the Representative is concerned to see no evidence of the ministry's own planning to meaningfully engage in discussions with staff about belonging, or steps to create ongoing Circle discussions to support strong practice development and reflection as called for in this recommendation. These engagements are now past due.</p> <p>The Representative also reviewed efforts to incorporate materials on belonging into the Youth Transitions Early Readiness Prototype. A review of these materials found</p>

			<p>content relevant to the dimensions of belonging and the role of people, place, culture, community and self, however permanency planning content has not been aligned to the dimensions of belonging as described in her report and therefore falls short of fulfilling the recommendation.</p> <p>While some progress has been made on the dissemination of <i>Skye's Legacy</i>, the Representative notes that there is much more work to be done to support the meaningful engagement, thoughtful reflection and enhanced understanding of belonging called for in her recommendation. The Representative will continue to work with MCFD to support its development of Circle discussions and explore other strategies to raise awareness about the system's responsibility to create belonging.</p>
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