

### Paper III Children's Aid Societies – Ontario, Canada

In the Canadian province of Ontario, the biggest province in Canada with population size of 12,6 millions, the government's role in child protection is to legislate, fund and monitor the child welfare system. The Ministry of Children and Youth Services in Ontario (the Ministry) is responsible for services to children and youth. The Ministry sets policy and provides program design for child welfare. Under the provisions of the Child and Family Services Act (the Act), the Ministry contracts with 53 local not-for-profit children's aid societies (CAS) for delivery of the legislated Child Welfare Services Programme in their respective jurisdictions<sup>1</sup>.

As part of the Child Welfare Services Programme, child protection services are provided by a single local CAS in each 53 areas all over Ontario. Each CAS operates at arm's length from the Ministry and is governed by an independent volunteer Board of Directors. CASs have exclusive responsibility for the provision of the services under the Act. The Ministry's nine regional offices monitor the CASs in their regions<sup>2</sup>.

In the Child Welfare Services Programme, each CAS must, by requirement of the Act, provide all of the mandatory services to all identified eligible children. A child requiring protection must not have to wait for services due to funding constraints. The Ministry provides 100% of the required funding for these services (until 1998 the province funded 80% while municipalities paid the rest).

The main duties of a CAS are to:

- investigate allegations or evidence that children under the age of 16 years may be in need of protection,
- protect, where necessary, children who are under the age of 16 years,
- provide guidance, counselling and other services to families for protection of children or for the prevention of circumstances requiring the protection of children,
- provide care for children assigned to its care under the Act,
- supervise children assigned to its care under the Act,
- place children for adoption.

Ontario's 53 CASs receive approximately 160,000 new referrals each year reporting child abuse and neglect. Foster care is a child protection service. When a court order has designated a child as a Crown ward, all parental rights and responsibilities are terminated and a CAS assumes responsibility for the child. Non-Crown wards are children in residential care who have not been declared Crown wards by the court, which means that parental rights and the responsibilities have not been terminated. At December 31, 2005, there were 9,400 Crown wards in Ontario and 9,100 non-Crown wards<sup>3</sup>. Only about 10 per cent of these children are adopted each year. On average, young people in foster and group homes move every 22 months.

Responsibility for the foster care system rests largely with the 53 CASs across Ontario. The Ministry licenses both CAS to deliver foster care and the children's residential services (group homes and foster care). The Ministry funds foster care through its allocation to CAS, and its allocation in each CAS is determined through the Ministry's Child Welfare Funding Framework.<sup>4</sup> According to this framework CASs receive funding from the Ministry to cover basic residential costs along with any necessary additional service on a *per diem* basis.

There are three types of residential care provided: a) Outside Purchased Institutions (OPI) which are private organisations that negotiate directly with the Ministry as to what services they provide and what the *per diem* rate for those services will be, b) CAS's-operated group homes, and c) CAS's-operated foster-family homes. While the *per diem* rate for OPI is negotiated by the Ministry and the OPI, the *per diem* rate for the CAS-operated group homes and foster-family homes are established by the CASs themselves. Decisions about placements are made by CAS staff. In the fiscal year 2004/2005, total residential-care costs reported by all CASs in Ontario absorbed 54% of their total expenditures. In the

funding model there are no incentives for CASs to place children in a setting that will most economically meet their needs<sup>5</sup>.

**The Ontario Auditor-General 2006 Annual Report: a value-for-money audit.**

Under the Child Welfare Service Programme, transfer payments from the Ministry to CASs in Ontario began to increase substantially in the late 1990s and by 2004/05 these had more than doubled. The 2006 Annual Report of the Office of the Auditor General of Ontario presented 13 recommendations to the Ministry and 20 recommendations to CASs in which the Ministry is advised to exercise more rigorous oversight to assure that vulnerable children are being adequately protected, and CASs are strongly advised to improve their financial- and human resource management practices. The Auditor General's findings included for instance, that payments for goods and professional services were poorly documented, placements in residential care were not adequately justified, visits to undertake initial investigation were delayed by an average of 21 days when a visit should have taken place within 12 hours or seven days, and in 90% of cases reviewed, required assessments and care plans were incomplete or not completed in a timely manner, and complaints did not get timely and appropriate attention.

At the same time as the CASs had continued to have significant discretion over types and volumes of cases provided with non-residential protection or residential care, the Ministry's financial oversight had continued to be inadequate. The review of the Auditor General found that the overall Ministry transfer payments had increased at a significantly higher rate than the key underlying service volumes. While CAS expenditures net of CAS-generated funds more than doubled between the 1998/99 and 2004/05 fiscal years, the key service volumes, including the number of families served increased by only about 40%<sup>6</sup>. Moreover, although the Ministry had three accountability mechanisms to help ensure that it received value for money spent by the CAS, i.e. 1) the annual funding mechanism, 2) the in-year quarterly reporting process, and 3) the year-end Annual Programme Expenditure Reconciliation, there was no evidence in most cases that Ministry staff even reviewed these reports or followed them up with CASs staff to ensure that necessary corrective actions were taken. The funding frameworks in place used caseload data to determine the funding through regular processes of a service-and-financial-data review. But the Ministry had instructed its regional offices to suspend the reviews because each regional office conducted its review differently and for different periods of the year. Still, the Ministry continued to fund huge annual year-end expenditure deficits regardless of CASs' entitlement under the funding framework.

In the absence of ministerial oversight, enormous variances between CASs had gone unnoticed. At the same time as eight CASs with the biggest percentage increase in transfer payments got an average 181% increase in funding over the above mentioned five years period while their weighted-average service volumes increased by about 91% over the same period, the corresponding figures for the eight CASs with lowest percentage increase were 25% transfer payment increase and 18% volume increase<sup>7</sup>. In spite of numerous reporting and reviewing mechanisms being in place the regulatory system wasn't working.

In response to the Auditor General's recommendations the Ontario Association of Children's Aid Societies (OACAS), an umbrella organisation for 52 CASs in Ontario, issued a plan for action in December 2006 promising to act swiftly and comprehensively. This plan is designed to identify, and disseminate best practices for delivery of high-quality child welfare services, for prudent management of resources, and for public accountability. In defence of its member organisations which "believe that urgent child welfare cases must always take precedence" it was made clear that "documentation gaps are different from service gaps". OACAS's action plan has five key elements which in one way or another all revolve around the issue of improved accountability:

1. Work with agencies to complete documentation in line with government standards. When delays occur because of resource shortages, an agency should notify the regional office of the Ministry of Children and Youth Services.

2. Conduct a comprehensive review of documentation requirements, and recommend a solution that balances the need for accountability with the need for workers to focus primarily on delivering service rather than filling out paperwork.
3. Continue to pursue implementation of a single information system to improve documentation and monitoring of child welfare cases.
4. Implement a new process for consideration of client complaints, in line with the oversight of the Child and Family Services Review Board.
5. Survey agencies on caseloads, and develop appropriate caseload benchmarks. Establish benchmarks for intake, family services and children-in-care caseloads. Implementation will require a close partnership with the Ministry of Children & Youth Services<sup>8</sup>.

### **Mid-1990s to 2006: The Policy development.**

However, there had been other more systemic reasons for this dramatic rise in Child Welfare Services expenditure which date back to a beginning of an apparently reactive policy development in the 1990s. After a series of inquests into the deaths of children who had received child welfare services in 1998, the Ministry of Community and Social Services, then responsible for Children's Services, had responded by launching the Child Welfare Reform in 1998-2000. This included a) a new funding framework (1998) phased in over the following three years and based primarily on CAS's reported data about types and volume of services provided, b) an introduction of a mandatory, standardised risk assessment tool (1998), the Ontario Risk Assessment Model (ORAM), c) legislative changes (2000) adding emotional harm and neglect to the list of conditions for which children require protection, d) the same legislative changes (in 2000) strengthened reporting requirements by professionals, and e) increased accountability measures.

It has been consistently noted by observers that imposition of a standardised risk-assessment system has the effect of erring on the side of caution, and thereby increasing the number of children deemed to be in need of protection. The Ontario Risk Assessment Model is often referred to as a "deficit model" of assessment because it highlights areas in which families are deficient and identifies those things families are unable to do. A more balanced means of assessment, often characterised as a "strength-based model" still considers the risk factors for a child or family, but also highlights what a family is able to achieve and what strengths children's services can draw upon from the extended family or the community. These strengths can often be used to provide care and support while requiring less formal and costly intervention from child welfare authorities<sup>9</sup>. Since the implementation of ORAM in Ontario the number of families referred to the child welfare system has nearly doubled and the types of cases being referred have changed dramatically<sup>10</sup>.

In 2003 the Ministry of Community and Social Services issued the Child Welfare Programme Evaluation Report based on a comprehensive evaluation of the Child Welfare Service Programme. It concluded that there had been a rate of increase in expenditure in the child welfare system that was not sustainable and recommended a stronger emphasis on a) child and system outcomes, b) an investment in research, and c) the development of a common information system.

In 2004 the new Ministry of Children and Youth Services (it had just been established and taken over children's welfare services from the Ministry of Community and Social Services) created the Child Welfare Secretariat to address the key conclusions of the Child Welfare Programme Evaluation. It followed that the Child Welfare Transformation Agenda, a strategic plan for a flexible, sustainable and outcome oriented service delivery model, was launched in 2005<sup>11</sup>. This agenda is organised around seven key priorities, which involve expanded intervention options related to three key stages (points 1-3), and focuses on modified or new service and policy planning mechanisms in four areas (points 4-7):

1. A more flexible intake and assessment model,
2. A court processes strategy to reduce delays and encourage alternative to court,
3. A broader range of placement options to support more effective permanency planning,
4. A rationalised and streamlined accountability framework,
5. A sustainable and strategic funding model,

6. A single information system,
7. A provincial child welfare research capacity.

The guiding principles are a) to become more outcome focused, b) to adopt a balanced service approach, c) to move towards a more research based practice, d) to focus on sustainability and flexibility, and e) to ensure a more accountable and integrated working practices.

In November 2006 the Child and Family Services Statute Law Amendment Act took effect. This Act was passed with the aim of making CASs more accountable to the communities they serve and increasing the number of permanency options for children and youth in the care of CASs.

**CONCLUSION: The lesson for the Social Care Practices working group from the operation of Children's Aid Societies in Ontario**

Studying the organisation of child welfare services in Ontario offers an insight into public/private relations in which delegation of legal responsibilities and publicly funded – privately provided child protection services play a key role. Looking at the child welfare systems in Britain and Ontario, similarities as well as differences between these two cases are equally interesting. First of all, Children's Aid Societies are private-non-profit organisations operating at arm's length from the Ministry. When a child has, on court order, become a Crown ward, Children's Aid Societies assume the parental responsibility for the child, and they plan and provide a full range of children's protection services in their respective area, i.e. the intake processes, needs assessments, care planning and decision-making processes about service specification and delivery. In other words, they hold both a commissioning and a provider role. In this respect, they take up similar functions as Local Authorities in Britain. But while they are private organisations, they also have a monopoly provision of child protection services in their respective areas. In that position they obtain a monopoly of information and knowledge about how professional judgements and administrative practices intersect and the resulting effect that intersection has on quality and costs.

The deaths of children who had received welfare services in Ontario and the case of Victoria Climbié in Britain are tragic events which have initiated a stream of policy programmes in both places. The core lesson that can be drawn from the Ontario experience lies in the issue of regulation.

The Ontario case is well captured in John Kenneth Galbraith's dictum: "The life-cycle of the regulator is very short". At the beginning, in a flush of determination, a policy reform is implemented and numerous reporting practices and reviewing mechanisms to ensure accountability are put in place. There is then a period of routinization of procedures. But soon reports are written, but not read - and no actions follow. The regulators may become sociable with the regulated – or "captured", - and regulation becomes ineffective. It may take a crisis or alarming statistical indicators to trigger a new cycle.

Internationally, child welfare services are in a state of transition. With elements of devolution, diversity, flexibility, incentives, outcome-focused measurements, performance indicators, and spreading of best practice based on research evidence, a mixture of these most recent changes are marking a cultural shift in this field of public services. In Ontario, we have privatised monopolies of child protection services and a new Government transformation agenda which shows remote signs of such a cultural shift. However, it is doubtful whether this new transformation agenda, with continued monopolies of services, and a near absence of incentives to change behaviour, will deliver expected results.

**References:**

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<sup>1</sup> Ministry of Children and Youth Services, Ontario, Website <http://www.children.gov.on.ca>. Visited January 22<sup>nd</sup> 2007.

<sup>2</sup> Office of the Auditor General of Ontario. 2006 Annual Report. Fall 2006.

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<sup>3</sup> Ibid.

<sup>4</sup> Ministry of Children and Youth Services, Ontario, Website <http://www.children.gov.on.ca>. Visited January 22<sup>nd</sup> 2007.

<sup>5</sup> Office of the Auditor General of Ontario. 2006 Annual Report. Fall 2006.

<sup>6</sup> Ibid. p.60.

<sup>7</sup> Ibid. p.39.

<sup>8</sup> Ontario Association of Children's Aid Societies, (2006). Children's Aid Societies take action on Auditor-General's recommendations. OACAS website <http://www.oacas.org>. Visited January 25<sup>th</sup> 2007.

<sup>9</sup> Office of the Auditor General of Ontario. 2006 Annual Report. Fall 2006, p.42.

<sup>10</sup> Ministry of Children and Youth Services. "Child Welfare Transformation 2005: A strategic plan for a flexible, sustainable and outcome orientated service delivery model. Child Welfare Secretariat, June 2005.

<sup>11</sup> Ibid.