

# **Backgrounder on *Duty to Protect***

## **Introduction:**

*Duty to Protect* is a special investigative report prepared by the Saskatchewan Advocate for Children and Youth. Released on October 13, 2016, it offers an extended account of services provided to a First Nations infant and his family by the Ministry of Social Services (Ministry) and the Saskatoon Tribal Council Health and Family Services Inc. (Agency). We have named the child 'Aiden' in this report. His name is changed to protect the identity of both Aiden and his family members.

Aiden and his twin sister were the youngest in a sibling group of nine. They were born prematurely in August 2015. Aiden was kept in the Neo-natal Intensive Care Unit for approximately one month following his birth and was discharged into the care of his family. He had no major health issues, apart from vulnerabilities related to his premature birth. At two-and-a-half months of age, Aiden passed away from Bronchopneumonia, secondary to a bacterial infection known as Haemophilus Influenzae. Because Aiden and his family received services from the Agency in the twelve months prior to his passing, the Advocate was notified of his death.

The purpose of the investigation is to examine the services provided to Aiden and his family and to offer recommendations to ensure that children and youth receive the care, attention and protection guaranteed to them by *The Child and Family Services Act*. Interviews were conducted with and information was gathered from child protection workers, physicians, police, community support staff and other healthcare workers. Interviews were also conducted with senior management of the Saskatoon Tribal Council Health and Family Services Inc. and the Ministry of Social Services. The investigation findings revealed improper investigation of protection concerns, several intakes that were not appropriately assessed, lack of documentation and an inadequate operational framework for the provision of mandated support services to the family. In light of these findings, five recommendations were put forth to the Agency and the Ministry.

## **Key Findings:**

The Advocate's investigation found that:

- Documentation maintained by the Agency did not meet policy standards and negatively impacted service provision to Aiden and his family.
- In the month before Aiden's death, two child protection reports related to his medical care were received for which there was either no response from the Agency or an insufficient response was documented in Agency files.
- The Agency's approach to investigation processes did not meet provincial policy standards and lacked the rigour those standards require.
- The Agency did not use Risk Assessments as required by provincial policy.
- The Agency did not provide ongoing family services when required and, instead, continually referred Aiden's family to community programs without a legislated mandate to address, monitor and assess the risks identified as impacting the children.

- The Ministry of Social Services lacks a comprehensive understanding of the Agency's operational structure and its methods of discharging its responsibility for family services under *The Child and Family Services Act*.

### **Recommendations:**

In light of these findings, *Duty to Protect* advances five recommendations:

**Recommendation 1:** The Saskatoon Tribal Council Health and Family Services Inc., with the support of the Ministry of Social Services, ensure that any time risk to children is identified, the following provincial policy and procedures are adhered to:

- proper assessment of risk using an objective risk tool and to assess risk before any course of action is taken;
- proper documentation of the assessment of risk;
- clear documentation of risk rating with commensurate case planning in cases where risk is substantiated; and,
- establishment of structured and ongoing monitoring procedures for reassessment of risk to ensure consistent well-being and safety of children.

**Recommendation 2:** The Saskatoon Tribal Council Health and Family Services Inc., with the support of the Ministry of Social Services, develop and implement training that incorporates:

- the use of the Risk Assessment tool with commensurate structured mentoring to assist staff in application of the tool;
- critical thinking skills and their application when assessing risk;
- examination of the totality of the circumstances related to risk; and,
- proper file documentation.

**Recommendation 3:** The Ministry of Social Services work with the Saskatoon Tribal Council Health and Family Services Inc. and with Indigenous and Northern Affairs Canada to ensure clarity between these three bodies as it pertains to understanding prevention services in the context of the mandate under *The Child and Family Services Act*.

**Recommendation 4:** The Saskatoon Tribal Council Health and Family Services Inc., with the support of the Ministry of Social Services, operationalize its definition and process of family service delivery to meet the intent of Sections 5 and 14 of *The Child and Family Services Act*.

**Recommendation 5:** Under the current framework of *The Child and Family Services Act*, the Ministry of Social Services increase its knowledge and understanding of the manner in which all First Nations child and family services agencies operationalize their prevention and protection services.