



2013

2013 Report
to the Legislature

**Provincial Advocate
for Children & Youth**

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2013

INQUESTS

The Office's participation at coroner's inquests into child deaths in Ontario is an important part of our work. Our involvement helps bring young people's voices, wisdom and experience to the attention of juries whose job it is to make recommendations to address problematic systemic issues and prevent similar tragedies from recurring. In 2013 we were involved in the inquest into the death of 19-year-old Ashley Smith, a young woman who paid the ultimate price when the justice system failed to recognize and meet her needs. Through the inquest process we worked with young people and experts in the field to raise awareness of the phenomenon of "emerging adults" and the special needs these young people bring with them into systems of care. Our participation in the inquest led to the jury including important new insights and suggestions to support this youth population in their final recommendations.

SPECIAL NEEDS

Children and youth commonly referred to as having "special needs", represent a diverse population of young people. We are committed to helping these young people find their voice and become active self-advocates so they can thrive and enjoy full and satisfying lives. This year our Special Needs Committee was expanded to bring in young people with special needs challenges to act as advisors. In December, we hosted the first community meeting of individuals, advocates, associations, service organizations and others to begin a dialogue about building a more responsive and respectful support system to meet young people's needs.

FEATHERS OF HOPE YOUTH FORUM

The Feathers of Hope Youth Forum was a major initiative for the Office in 2013. Over 137 youth from 64 of 92 First Nations communities in Ontario attended one of two events. An action plan containing the young people's thoughts and ideas about the future is being prepared and will be released early in 2014. Feathers of Hope is a growing movement of First Nations youth voices seeking renewal and change in their lives and communities. The forum provided a safe and supportive space where young people could connect, explore and discuss issues pertaining to historical injustices and trauma, identity, cultural traditions, inequality, rights and their experiences of struggling to find their way in both the modern and traditional worlds in which they live.

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LETTER FROM THE PROVINCIAL ADVOCATE

As I begin my second term as Ontario's Provincial Advocate for Children and Youth, I recognize that the success we have had in building a unique and innovative Office from the ground up over the past five years is the result of energetic and creative staff interacting every day with children and youth who are inspiring in their strength and resilience. When we at the Advocate's Office need to make difficult decisions we first ask young people what they want to see and are then guided by their answers. In doing so, our work is infused with the wisdom of their lived experience. In everything we do we take instruction from our guiding legislation to be an "exemplar in child and youth participation." Our commitment has never wavered to keep children at the centre of our work.

We continue to build an accountable and accessible organization with a child and youth-focused approach to advocacy. We have grown as an independent Office of the Legislature with a base in Toronto and a second office in Thunder Bay. Along the way we have built positive working relationships with young people, communities and other organizations who share our commitment to strengthening the voices of youth in our mandate. We continue to argue that our Office needs the backing of stronger legislation in the areas of access to information and powers of investigation. Acquiring these additional tools will help us increase the level of accountability of provincial care systems for youth in our mandate and better protect the rights of Ontario's young people. It will strengthen our ability to provide advocacy services for students 18 years of age or older who attend Provincial and Demonstration schools. It will also increase our capacity to provide more detailed and comprehensive recommendations at inquests into the death of a child or youth in care or at the margins of care.

The past year has been pivotal in our work with First Nations youth. At two events, one in March, a second in July 2013, more than 137 young people from 64 northern First Nations gathered to share their ideas about creating healthier communities



and fundamental change in their lives. Supported by our Office, and developed by and for First Nations youth, the forums provided an opportunity for young people to present their ideas for action to elders, leadership and representatives from government and police services.

If there is a memory from the past year that best reflects where our Office is going it is one from the first Feathers of Hope Youth Forum held in Thunder Bay. There in the packed meeting room waiting for the young people to present were: the provincial Deputy Ministers from Education, Children and Youth Services and Aboriginal Affairs, and senior representatives from eight other ministries. Also waiting to hear the presentations were senior representatives from the federal Departments of Aboriginal Affairs and Northern Development, and Health Canada, the Chair of the Assembly of First Nations National Youth Council, a Deputy Grand Chief from Nishnawbe Aski Nation, Ontario's Chief Medical Officer of Health and so many others who had travelled from near and far. The young people who had so conscientiously led the Feathers of Hope Forum demonstrated their strengthening leadership by attending to the needs of the youth and decision makers who had come to hear them speak. The room was filled with hope.

The hundred-plus youth waiting to present at the forum — and equal numbers of chaperones and

WE CONTINUE TO BUILD
AN ACCOUNTABLE
AND ACCESSIBLE
ORGANIZATION WITH
A CHILD AND YOUTH-
FOCUSED APPROACH
TO ADVOCACY.

volunteers there to witness the dialogue — were on the next floor of the conference site in a room directly above ours. They watched on closed-circuit television as each group of young people came down to present their reflections and thoughts for moving forward. I will never forget the moment the rumbling began. The young people upstairs in a show of solidarity started to stomp their feet on the floor, which was also the ceiling of our room. The din grew and for a moment we did not know what it was. It became louder and more insistent almost like a drum or heart beat. As the source of the sound dawned on me, and those in the room, many of us smiled and teared up at the sense of support that could be felt in the room. It was the sound that signaled change. I hope all readers of this annual report can hear it too.

In 2013, we began to see real progress on work that has been unfolding over several years through the combined efforts of our Office and hundreds of young people in and from child welfare care. The Youth Leaving Care Hearings, the summary report *My Real Life Book*, and the resulting *Blueprint for Fundamental Change in Child Welfare* have created a movement and tangible change to Ontario's child welfare system. We call this movement "Our Voice Our Turn".

The movement has inspired the Government of Ontario to make children in care a priority group. Youth in and from care who attend post-secondary institutions now enjoy tuition relief and receive support until age 24. The province now provides youth in care with mentorship and has hired 50 "transition workers" to serve those who are living on their own. Ontario has set mandatory school success protocols for all children in care that must be signed by child welfare agencies and local school boards. "Accountability agreements" have been established which will eventually enable the boards of local

Children's Aid Societies to measure how successful the Province of Ontario is at parenting children in care. The Government of Ontario is committed to increasing within four years the high school graduation rate for youth in care (44 percent in 2013) to match the rate of their peers (82 percent in 2013). The government's ultimate target graduation rate for ALL youth is 85 percent. It has begun working with other members of the community to improve outcomes for Black children in child welfare and reduce the number entering care. It has also begun working to better serve children in care who come into conflict with the law. And, as the young people involved in Our Voice Our Turn would say, "We are not stopping here!"

The Office had standing at a number of high profile inquests this year including

AND, AS THE YOUNG PEOPLE INVOLVED IN OUR VOICE OUR TURN WOULD SAY, "WE ARE NOT STOPPING HERE!"

one into the death of Jeffrey Baldwin and another into the death of Ashley Smith. Participating at these inquests has convinced us that the risk of harm to young people remains high and that a public inquiry into the protection of children in Ontario is necessary to move the system forward. As an aid in the process of keeping services to youth accountable, we successfully launched a searchable database, giving advocates and the public a way to follow the actions of government in response to recommendations produced by inquests.

This year we began important new work with youth who have what government terms "special needs". It is my firm belief that, given the opportunity, these young people will inspire a movement

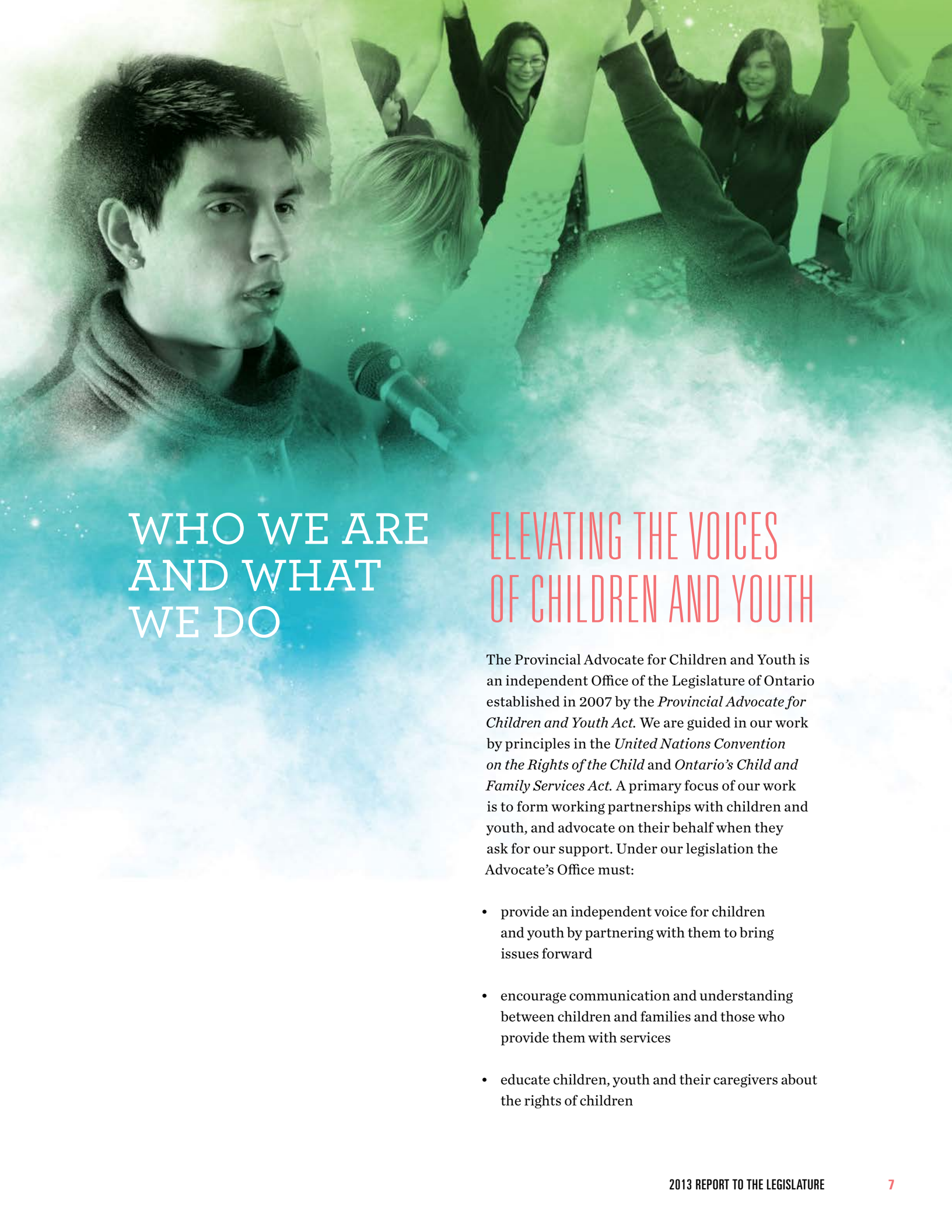
of their own. As it grows, many will reveal themselves as active and engaged citizens wanting to contribute meaningfully in so many ways to the social fabric of our province and in the development and provision of services and resources of which they are in need.

Over the next five years we will work to develop and strengthen our outreach and work with children under 12 years of age. Children in this age group who are connected to the province's systems of care are particularly vulnerable to being left out of their own lives. This reality can be debilitating as they become young adults and, ready or not, move towards independence.

Finally, we will connect better than ever before with all the young people we serve. We are in the process of building a new

web platform that will enable us to move forward with the Office of the Provincial Advocate for Children and Youth 2.0, strengthening our online presence and creating a virtual space that represents and conveys all that our Office is and does. Children and youth will soon be able to connect to an advocate more readily through the use of our social media and web spaces. We will make greater use of live streaming, videos, chat rooms, blogs and discussion boards. In time, we will use tools we have not yet imagined to ensure that no matter where a young person lives in this province they can reach our Office and the advocacy services we provide.

IRWIN ELMAN
PROVINCIAL ADVOCATE
FOR CHILDREN AND YOUTH

A young man with dark hair and a grey turtleneck is speaking into a microphone. In the background, a group of children are raising their hands in a celebratory gesture. The entire image has a green and blue color overlay with a soft, ethereal light effect.

WHO WE ARE AND WHAT WE DO

ELEVATING THE VOICES OF CHILDREN AND YOUTH

The Provincial Advocate for Children and Youth is an independent Office of the Legislature of Ontario established in 2007 by the *Provincial Advocate for Children and Youth Act*. We are guided in our work by principles in the *United Nations Convention on the Rights of the Child* and Ontario's *Child and Family Services Act*. A primary focus of our work is to form working partnerships with children and youth, and advocate on their behalf when they ask for our support. Under our legislation the Advocate's Office must:

- provide an independent voice for children and youth by partnering with them to bring issues forward
- encourage communication and understanding between children and families and those who provide them with services
- educate children, youth and their caregivers about the rights of children

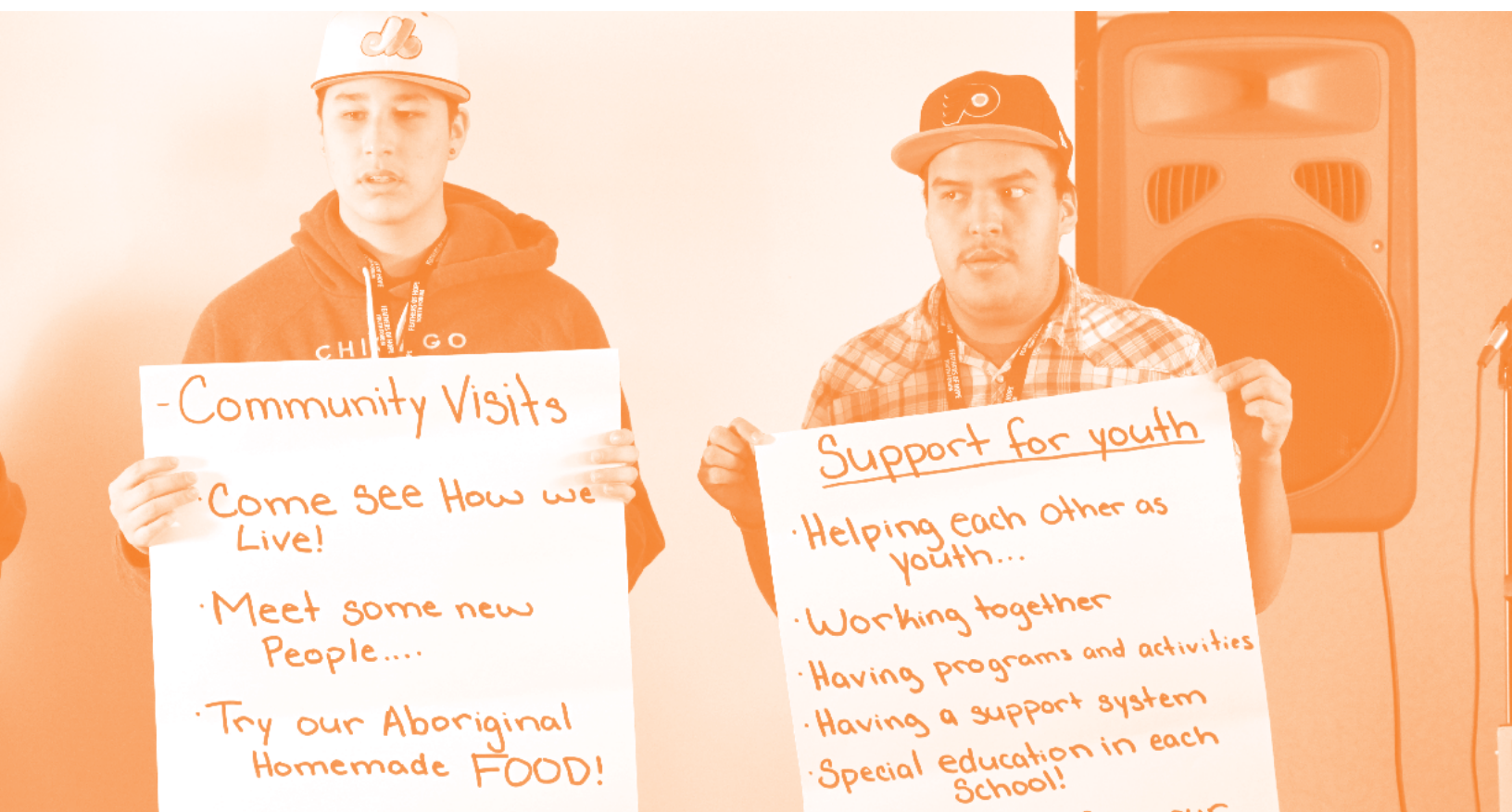
THREE DOMAINS OF ADVOCACY

Our Office undertakes work in three broad domains or areas of advocacy. The foundation of our work is in **individual rights advocacy**, answering thousands of calls each year from children and youth, their families, caregivers and others committed to protecting young peoples' rights and amplifying their voices in society. For this aspect of our work, the Office develops an advocacy plan in collaboration with each young person in an effort to resolve his or her concerns. An advocate will work with the young person and take instruction from him or her to try and resolve the issue to the young person's satisfaction. When we notice patterns or trends in the calls we receive from young people, we may decide to engage in deeper and closer scrutiny of an issue through **systemic**

advocacy. In such cases the Office draws from the expertise of young people who have direct knowledge or experience with the issue and works with them to make recommendations for change at the level of policy, funding or program delivery. When an issue concerns specific local groups or whole populations of young people, we will undertake **community development** advocacy. In these situations, the Office engages young people, their natural supports and allies, and helps them become their own advocates with the skills and awareness needed to help create the change they wish to see. Additionally, we provide children and youth in Ontario with rights education workshops or information sessions about the role of the Advocate's Office.

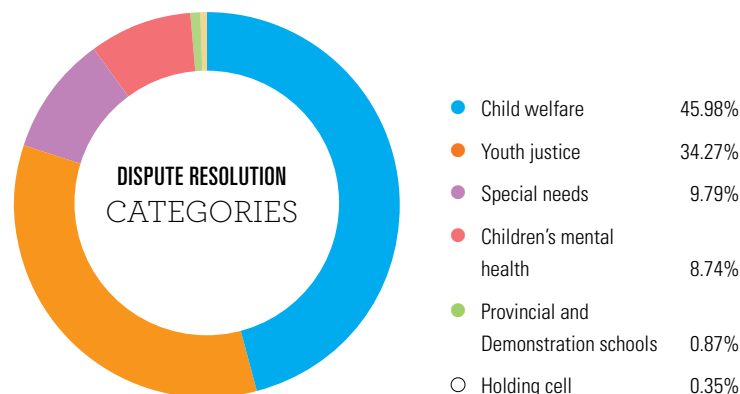
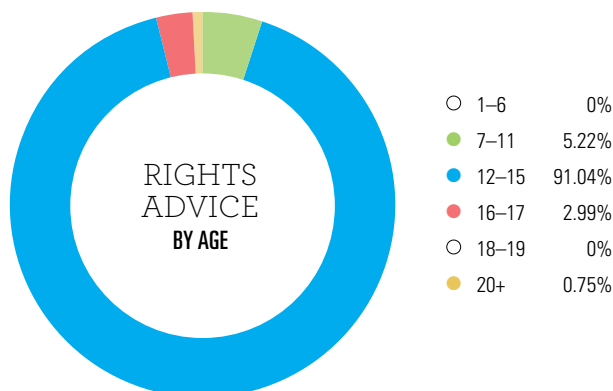
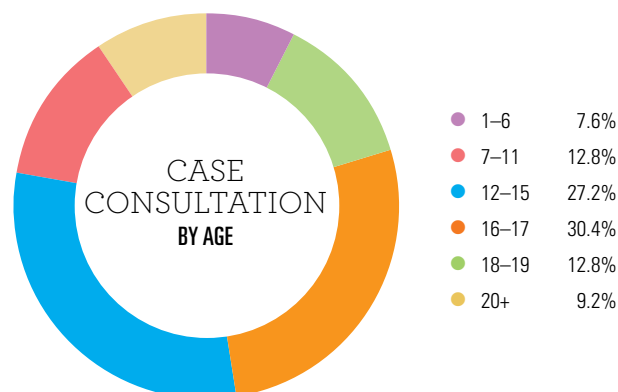
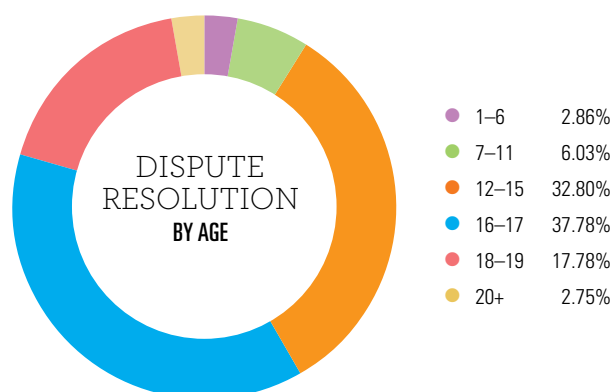
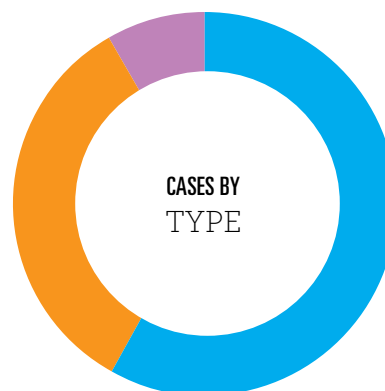
THE YOUNG PEOPLE WHO DEFINE OUR MANDATE

The Advocate's Office serves six groups of children and youth in provincial care or at the margins of care. These groups include young people in the care of child welfare; youth connected to the children's mental health system; youth involved with the justice system and and holding cells; children and youth with "special needs"; young people who require the services of Provincial and Demonstration schools; and First Nations children and youth.



SERVICE STATS

Over the past year, the Advocate's Office received 3,327 calls for assistance via our switchboard—a number typical of our yearly totals. Children and youth have a legal right to speak to us without interference or delay. When young people in any of our mandate areas are admitted to care, the service provider must provide them with our Office's contact information and continue to provide the information quarterly thereafter. Failure to do so is a fundamental violation of these young people's rights.



ADVOCACY SERVICES ON ANY GIVEN DAY

It is difficult to describe a typical day of calls at the Office and the issues presented to staff. Callers range from young people, social workers or teachers to grandparents, neighbours or others concerned about a young person's rights or well-being. Issues and concerns can range from straightforward requests for information about rights to heart-rending pleas from parents struggling to care for a child with complex, urgent health needs not being met by government or local support services.

The following real-life example provides a glimpse into the issues a single day of calls can bring to the Office. On one day in 2013, we received four calls pertaining to the youth justice system (some from young people and others from workers), two calls from group homes and four calls from family members concerned about a child or youth in their lives. The reasons for the calls were as diverse as the young people themselves. Two youths called from the Roy McMurtry Youth Centre, one of whom was concerned about his personal safety. A grandmother called seeking information about how to deal with a Children's Aid Society whose plans for placing her two grandchildren concerned her. Another call came from a foster mother worried about her foster son's health when he visited a family member.

The diversity of callers and issues we work with requires our staff to be knowledgeable and flexible in their approach to working with young people and their community or institutional environments. Our advocates must also be able to work and relate well with youth as well as possess a sound understanding of conflict resolution, mediation, supports and resources for children and youth across Ontario, children's rights, applicable legislation, Ministry policies, professional practice standards associated with the environments within which young people receive care and, where applicable, community development.



FIRST NATIONS

First Nations children and youth face starker realities and greater inequities than any other group of children in our mandate.

ADVOCATING WITH AND FOR FIRST NATIONS CHILDREN & YOUTH

WHAT WE SEE

First Nations children and youth living in isolated and remote northern Ontario communities lack access to basic education, medical services and social supports that non-First Nations youth in the south take for granted. Their rights and needs have long been neglected or dismissed by all levels of government and, in some cases, First Nations leadership.

The time has come to stand with these young people and change this reality. Through our new regional office in Thunder Bay, our youth advocacy staff and northern Youth Amplifiers are reaching out to First Nations youth and their communities. Our goals are to better understand how young people wish to partner with our Office and how we can best support them through our advocacy services. It is the Office's mandate to support First Nations young people and, wherever possible, partner with them to create change. In our partnership with northern First Nations youth, it is our intention to help them mobilize in ways that not only enrich their individual experiences, but also begin to shift the conditions of their entire communities.



HOW WE HELPED

FEATHERS OF HOPE YOUTH FORUM

In 2013, the Advocate's Office, in collaboration with a group of five Youth Amplifiers, organized and planned the Feathers of Hope Youth Forum. The five-day event was held in Thunder Bay in March. The forum was attended by more than 100 young people from 62 northern First Nations communities who gathered together to share their stories, life experiences and hopes for the future. A second, three-day forum was held in July in Kashechewan with 37 youth from Fort Albany and Kashechewan. The two events represented 64 of Ontario's 92 northern First Nation communities.

The Forum attendees heard how young people walk in two worlds; one that offers a First Nations world view where they can learn their own languages, cultural practices, ways of community life, and the unique relationship First Nations people have with the land; and a second western world view where they

can access opportunities afforded them through the use of technology, off-reserve employment, post-secondary education and other customs and institutions of non-First Nations people. The Forum was intended to help bridge the two-world views and avoid placing young people in the position of having to choose between the two. Forum attendees also heard how, even in the present, First Nations youth feel disconnected from both worlds and, as result, are often left feeling lost and without hope as a result.

Participants brought forward key issues for discussion ranging from sports, recreation and schooling to the legacy of residential schools, drugs and alcohol, suicide and the inner workings of their communities. An action plan detailing the issues raised and recommendations for change is being prepared by the northern Youth Amplifiers in partnership with our Office and will be released early in 2014.

Our aim throughout the Feathers of Hope forum was to put youth at the centre of discussions. Only by enabling First Nations young people to join and

"FOR MANY YEARS THE GOVERNMENT IGNORED US, FORGOT ABOUT THE TREATIES AND LEFT US HIDDEN ON RESERVES. TODAY OUR EDUCATION IS IGNORED AND OUR HOMES ARE IN WRETCHED CONDITION."

—FIRST NATIONS YOUTH



work together and empowering them to mobilize and interact face to face with decision makers and leaders will lasting change in the lives of northern Ontario's First Nations young people and their communities be realized.

MEETING WITH THE UN RAPPORTEUR

Our mandate and commitment to amplify the voices of First Nations youth included, once again, bringing their concerns to the attention of the United Nations. In October 2013, our northern Youth Amplifiers travelled to Ottawa to meet with James Anaya, the United Nations Special Rapporteur on the Rights of Indigenous Peoples. Julaine Trudeau, Uko Abara, Kathryn Morris, and Samantha Crowe presented the Special Rapporteur with a summary of the issues and solutions they heard from their peers over the course of their travels to northern remote and fly in First Nations communities and at the Feathers of Hope forums. At the end of the meeting they met privately with the Assembly of First Nations National Chief Shawn A-in-chut Atleo to seek the support and partnership of the Assembly of First Nations as they move forward to improve the lives of Ontario's First Nations Youth.

YOUTH AMPLIFIERS REACHING OUT

In August 2013, the northern Youth Amplifiers were invited to speak at a national youth conference in the Yukon jointly sponsored by our Office and the Yukon's Children's Advocate. They spoke about their experiences creating the Feathers of Hope Youth Forum and its vision of youth collaboration as a means to create real change.

Building on the work of Feathers of Hope, the Amplifiers working on the youth forum - at the invitation of the Assembly of First Nations (AFN) National Youth Council - travelled to Saskatchewan in November 2013 to present and speak at the AFN's national youth conference. The Amplifiers presented the Feathers of Hope collaboration model and process as a gift to all First Nations young people. As they spoke they encouraged their audience to see the hopeful message contained in the process of bringing young people together to share their ideas for building a better future for themselves and their communities.

NORTHERN OFFICE CELEBRATES ITS FIRST ANNIVERSARY

Our Northern Office in Thunder Bay celebrated its first anniversary in July. The Office has had an active year, with staff travelling extensively to remote and isolated northern

communities and meeting with child and family service organizations in Thunder Bay. Work included a project with the Indian Friendship Centre and the Suicide Task Force to produce a welcoming video for First Nations children attending high school in Thunder Bay for the first time.

RESOLUTE IN OUR SUPPORT FOR FIRST NATIONS CHILDREN AND YOUTH

In 2012, the Advocate's Office filed a motion with the Federal Court of Appeal for leave to intervene in a case that would determine whether First Nations children have the right to

YOUTH INVOLVED IN FEATHERS OF HOPE ARE ASKING DECISION-MAKERS TO WALK BESIDE THEM AND WORK TOGETHER TO IMPROVE THE CIRCUMSTANCES OF THEIR LIVES AND THEIR COMMUNITIES.

make complaints to the Canadian Human Rights Tribunal when they receive public services that are unequal to those that other Canadians receive. Though the motion was denied, the Advocate's Office remains resolute that we will stand in support of First Nations youth regardless of the challenge presented by any situation.

IMPROVING THE JUSTICE SYSTEM FOR FIRST NATIONS PEOPLES

There is a notable absence of First Nations persons selected for jury duty in Ontario. In response, Office staff met with former Supreme Court Justice the Honourable Frank Iacobucci and provided him with recommendations regarding how to improve the jury selection and education process. In 2013, Justice Iacobucci released a report recommending that the Advocate's Office bring First Nations youth together to discuss how to build more confidence in the justice system among First Nations peoples.

INQUEST

Society needs to do a far better job of addressing the unique developmental needs of “emerging adults”.

ADVOCATING ON BEHALF OF ASHLEY SMITH

WHAT WE SEE

At any given time, hundreds of young people are in custody in penitentiaries across Canada. Many of these youth have complex needs yet receive little or no age appropriate support to help them cope and improve their mental health. The tragic death of 19-year-old Ashley Smith brought into focus the need to better integrate mental health services for young people into custody settings. Ashley paid the ultimate price for the system’s shortcomings when her needs were ignored or not met.

When we fail young people in this way, we also fail their families and the environments in which they lived, worked or grew up. Ashley Smith will never return home because the system failed her. And, until we start making changes to the way we address the mental health needs of incarcerated youth, many more will struggle and suffer or return home poorly prepared to integrate back into their families, schools or communities.

HOW WE HELPED

A coroner’s inquest into Ashley’s death concluded in 2013 when a jury delivered a verdict of homicide. The Advocate’s Office was an active participant throughout the process and was granted standing at the inquest given our experience with youth in custody.

Staff from our Office worked with experts in the field of youth incarcerated in federal correctional facilities to craft a set of recommendations for altering policies and procedures. The overarching goal was to do a better job of addressing the unique developmental needs of “emerging adults”—that is, young people between the ages of 18 and 24. Emerging adults are neither youth nor adults, but somewhere in between. Young people in this age range (like Ashley) often require significantly more support in custody than people who have reached full adulthood. Add poor mental health and mental illness and a sense of complete isolation and loneliness to the unique needs of a young adult and it is possible to see how fragile and unsupported Ashley might have felt during her time of incarceration.

We are encouraged that the insights and suggestions provided by the Advocate’s Office about improving services to this age group found their way into the inquest jury’s final recommendations. We are also pleased that there was openness on the part of the jury to the research and expert opinion provided about this youth population at the inquest.

CHILD WELFARE

What parent sends a child away with an empty bank account? And says, “Good Bye. Don’t call?”

ADVOCATING FOR A GREATER PARENTAL ROLE

WHAT WE SEE

Children and youth living in the care of Ontario’s child welfare, youth justice or residential settings are by definition the province’s children. These young people often come from difficult life circumstances, lack stable families and need society’s care. As Crown wards they are entitled to care from all of government, not just an individual Children’s Aid Society or the Ministry of Children and Youth Services.

There is strong evidence that shows Crown wards fair poorly compared to their age-group peers. A recent study shows that only 44 percent graduate from high school compared to 82 percent in the general population. Report after report shows that youth leaving care are overrepresented in our justice and shelter systems.

For a whole-of-government approach to take hold in Ontario, the Government and the Ontario Public Service must adopt a “Crown ward lens” specific to children and youth in care. The Advocate’s Office envisions a day when at every meeting, in any ministry, these young people are top of mind. Just as good parents do, Ministers and bureaucrats will say “how does this decision affect my children (Crown wards) or how could it affect my children in a positive way?”

HOW WE HELPED

Following the success in 2011 and 2012 of the award-winning Youth Leaving Care Hearings and the resulting *My Real Life Book*, the Advocate’s Office in 2013 continued its important work to increase the province’s role as the parents of Crown wards. *My Real Life Book* is a document written by six young people with assistance from the Advocate’s Office. Based on 183 written submissions by children and youth and personal testimony provided at the hearings, the document provides government ministries and other organizations with concrete ideas about how to improve the lives of Crown wards.

In 2013, the Advocate’s Office, in partnership with the Ministry of Children and Youth Services, took the next step by establishing the Youth Leaving Care Working Group, a group comprising youth in care and representatives from youth-serving organizations. Based on the key recommendation from *My Real Life Book* that the child welfare system needs to fundamentally change, the group researched, wrote and released the *Blueprint for Fundamental Change to Ontario’s Child Welfare System*.

WHAT WE ARE SEEING IN THE LEGISLATURE AS A RESULT OF THE YOUTH LEAVING CARE HEARINGS IS THE BUILDING OF A MOVEMENT TO FUNDAMENTALLY CHANGE THE WAY CHILD WELFARE IS PROVIDED IN ONTARIO.

“WHAT PARENT SAYS TO THEIR KIDS, ‘YOU ARE ON YOUR OWN NOW. DON’T COME BACK. DON’T CALL. YOU HAVE WHATEVER YOU CAN CARRY TO TAKE WITH YOU AND YOUR EMPTY BANK ACCOUNT. GOOD BYE AND GOOD LUCK?’”

—21-YEAR-OLD FORMER YOUTH IN CARE

Concrete recommendations

The *Blueprint* yielded 49 recommendations addressing a range of issues from education and unemployment for children and youth in care to the Ministry’s policy for transitioning youth from care to independent living. Among the recommendations are calls to provide care for youth who, at present, are not eligible for services. These include youth 16 and older who have not received care in the past and youth who turn 18 (or 21, depending on their circumstances) and have “aged out” of eligibility. Other recommendations call for the government to raise the age of extended care and maintenance to 25 from the current 21, to cover medication and dental expenses to age 25, and to provide youth leaving care with information about services available that will meet their needs.

Roughly 1,000 youth leave care every year in Ontario. The intention of all the work emanating from the Youth Leaving Care hearings is to provide the Government of Ontario with inspiration as well as practical recommendations for how it can act more like real parents to its Crown wards—parents who support their children beyond the legal definition of childhood and who are genuinely invested in their family’s good fortune over the long term.

Building a movement—Private members’ bills an important first step

The Youth Leaving Care Hearings, *My Real Life Book* and the youth authored *Blueprint for Fundamental Change* moved the Ontario legislature to take unprecedented actions in 2013 that support fundamental changes to how the Government of Ontario parents its Crown wards. Each of the three political parties in the legislature put forward a private member’s bill; one calls for greater oversight of the Children’s Aid Society; another calls for a legislated Child and Youth in Care day to coincide with the date *My Real Life Book* was released; the third, *Bill 88*, calls for increasing the age of protection for youth. All three have passed second reading and made it through committee in 2013. The Advocate’s Office provided a detailed submission in support of the bill.

THE MOVEMENT IN ACTION

Our Voice Our Turn is an ongoing movement, initiated by the Advocate’s Office, to create fundamental change in child welfare. At present, the work of the movement is facilitated by two youth Amplifiers who work in partnership with the Advocate’s Office to provide outreach to youth in care. The Amplifiers, in turn, work with more than 70 volunteers in care or formerly in care to communicate with hundreds of young people via social media. The Advocate’s Office supports youth in preparing and making presentations to the legislature and in all other aspects of lending their voices to this movement.



SPECIAL NEEDS

Only when these young people develop a stronger voice will we be able to decide what services society should provide.

ADVOCATING FOR A SYSTEM THAT MEETS COMPLEX NEEDS.

WHAT WE SEE

Behind what the government terms “special needs” is a diverse population of young people with a vast and complex array of physical and mental health requirements. Many families and primary caregivers of children and youth with special needs find themselves financially and emotionally challenged by a service system that forces them to struggle to have the rights of their child respected, their service needs met and their voices heard.

Like all young people, children with special needs depend on a range of services, including education, medical, child welfare, residential and therapeutic support systems. For a host of reasons, many of the most vulnerable members of society are denied their right to effective, affordable and accessible care. Some are living in dire life circumstances. Approximately 10 percent of our individual advocacy service involves children with special needs and we know this is far from reflective of the true size of the problem province-wide.

A unique challenge in advocating for these children is that some, often those with the most complex care needs, communicate in ways not easily understood by many people. But if their families, caregivers and educators are able to hear their needs, how as a society can we also learn to listen?

At the Advocate’s Office we have begun to understand the urgency of thinking differently about youth voice, including finding ways for children with special needs to engage with their worlds as “active agents” and fully engaged members of society. Our Office recognizes that a first step in building a better, more responsive and respectful system for children and youth with special needs is to help young people develop a stronger voice.

HOW WE HELPED

Last year marked a milestone in our efforts to elevate the voice of special needs children and youth in Ontario. We saw the beginnings of real progress in coming to terms with the breadth and scope of the issues these young people face.

As one example, our Special Needs Committee evolved significantly last year and is now led by Office staff with knowledge and interest regarding the needs of these young people. The committee is working to create a process through which the voices of special needs children can be heard. The group, first established in 2012, has expanded to include young people with special needs, who act as advisors. It also includes community members who have experience with special needs issues and challenges.

“OUR EXPERIENCES
MAY VARY, BUT THE
EMOTIONS ARE ALL
TOO FAMILIAR.”



Founding meeting of the special needs community

In December, the Advocate's Office hosted its first community meeting to discuss how to elevate the voices of special needs children and youth. It was a tremendous success. Attended by more than 80 individuals and groups—including parents, lobbyists, associations, not for profit organizations, entrepreneurs, service providers, independent community advocates and others—the meeting room was filled to capacity.

The attendees agreed on a process for continuing this important work, which is a significant achievement for this complex and diverse community. Our Office announced it will hold a second meeting in early 2014 as well as a meeting in Thunder Bay to hear from people in northern Ontario and help support the development of a northern strategy for this initiative. Shortly, we will also be holding the first youth special needs advisory group meeting.

WHEN CHILDREN
WITH SPECIAL NEEDS
ARE GIVEN THE
OPPORTUNITY, THEY
TOO WILL INSPIRE
A MOVEMENT.

YOUTH JUSTICE

The way young people are treated shouldn't depend on which adults happen to be on shift that day.

ADVOCATING FOR ACCOUNTABLE SERVICES

WHAT WE SEE

Youth sentenced to time in custody possess the same rights, needs and protections under the law as all young people. They are still maturing and require the support of skilled adults to help them return to their communities and make better life choices. What happens to them from day to day while in custody—how they are perceived and how they are treated—has a lasting impact on their lives.

When the Roy McMurtry Youth Centre (RMYC) opened in 2009, its service model was designed to hold young people accountable for their actions and provide them with the skills and awareness they needed to realize their potential. Rehabilitation through programming and reintegration into the community—the renewed vision for youth justice under the Youth Criminal Justice Act—was to be central to their experience at RMYC.

However, within a few weeks of opening, the Advocate's Office began receiving complaints from youth placed at the facility. RMYC administration and Ministry staff were notified by the Office and an action plan to improve services was implemented. However, calls to the Office continued to increase. In 2011, having deemed RMYC to be

unsafe, our Office began a systemic review of young peoples' experiences at the centre. During the review, our Office maintained ongoing contact with the Centre's administration and the Ministry of Children and Youth Services.

HOW WE HELPED

In August of this year, we released a report based on information gathered from interviews with more than 110 young people and a review of 178 phone calls made by youth to our Office. Interview questions explored their experiences pertaining to basic care, rights, safety and programming at RMYC.

The Advocate's Office continues to work hard to link with youth-serving organizations and communities where young people are at risk of coming into conflict with the law. We actively engage young people from the youth justice system in the course of this work but, in order to protect their privacy and confidentiality, we do not report on the specifics of their involvement in this important mandate area. Our goal in this work, as always, is to support youth by elevating their voices.

TAKE PLACE AT RMYC, ALL OF THE FACILITY'S WELL-INTENTIONED EFFORTS MUST BE GROUNDED IN A SYSTEM OF CHECKS, MONITORING, YOUTH FEEDBACK AND FOLLOW-UP TO ENSURE THAT PROBLEMS ARE BEING EFFECTIVELY ADDRESSED.

—REPORT, *IT DEPENDS WHO'S WORKING*

It quickly became evident that little had changed with the implementation of the action plan and young people reported numerous instances of substandard care. While the review revealed that some youth received the care and support they needed at RMYC, many others did not. Young people reported that they could sometimes go 19 hours without food on weekends; be locked in isolation cells for up to four days; be assaulted; be denied access to family; or experience excessive use of force. They also felt tension and violence were pervasive at the facility.

"It depends who's working."

In the course of the Office's review, young people sent a clear message that the quality of care at RMYC depends on which adults happen to be on shift on a given day, hence the title of the report: *It depends who's working: The youth reality at the Roy McMurtry Youth Centre*. Also of concern to the Office is that investigations into complaints are at present inadequate and conducted internally at RMYC. Among the report's many recommendations are calls for the facility to conduct transparent investigations into allegations of assault, excessive use of force or abuse.

Agreement from Ministry on key areas for improvement

Shortly after the report's release, the Provincial Advocate met with the Deputy Minister of Children and Youth Services and came away with several key commitments for improving the situation at RMYC. These included agreement that greater transparency is needed in the investigation process, including investigations being conducted by an independent body; that RMYC is falling short of its service goal to create an environment based on staff building supportive relationships with youth and using these relationships to facilitate rehabilitation; and that the Ministry should reach into communities to create a protocol and checklist for conditions that must be met when a youth is reintegrated.

In September 2013, 51 permanent staff were transferred from RMYC to adult correctional facilities that provided a better match for their skills, abilities and attitudes. Meanwhile, 24 new staff have been hired at RMYC.



MENTAL HEALTH



Elevating the voices
of youth whose mental
health needs remain
unmet by the system.

ADVOCATING FOR STRONGER COMMUNITIES

WHAT WE SEE

All young people face life challenges and struggle to some extent during their formative years. For youth with unmet mental health needs the process of growing up and maturing can be exceptionally difficult. The stigma associated with being labeled “mentally ill” can cut young people off from the opportunities they need to socialize and make friends and feel fully a part of their broader community.

Our Office routinely receives calls from young people in mental health service settings complaining they are being forced into treatment against their will or that their personal information is being disclosed without their consent. Some tell us they feel over-medicated or are provided with little or no information about their mental health status or

treatment options. They feel decisions about their mental health are being made by adults and that their right to information about their health is being ignored. Denying them this information makes young people feel left out of their own lives. Children’s mental health services in Ontario need to revise the policies and practices that prevent young people from, wherever possible, participating actively in the decisions that affect their lives and well-being.

In many ways the exclusion young people face because of their mental health status feeds into the isolation and negative framing of their lives that permeates the mental health system. When a young person is not provided with an opportunity to be an active participant in the development of strategies to improve their lives, ongoing mental health or well-being, the system sets in play an ongoing power struggle where feelings of loss of control and stigma can become key associations young people carry with them from childhood into their adulthood. Engaging young people directly in the process of understanding and planning how they can meet their mental health needs is about more than just making them informed; it is foundational learning needed to develop the ability to become their own best advocates. Engaging them directly gives young people

the skills and knowledge they need to navigate what can sometimes be a life-long relationship with the mental health system. Further, teaching children their rights under the *Health Care Act* is about more than just making them aware of service entitlements. It is about providing them with the knowledge they need to frame mental health and well-being in a way that helps them manage, or prevent from recurring, the mental health needs they currently have and what this may mean as they grow into adulthood.

HOW WE HELPED

Release of *Putting Youth in the Picture* report

Following a major government announcement in 2012 to invest up to \$93 million in a mental health and addictions strategy for Ontario's children, the Advocate's Office reached out to youth in our mandate to learn what they thought about the government's approach to mental health. In 2013, the Office released, *Putting Youth in the Picture*, a report that summarized the ideas of 46 youth who participated in 6 separate consultation groups in Peterborough.

While discussions revealed that young people agreed in general with the direction, policies and frameworks for mental health that adults described, important pieces were missing in the strategy. For example, participants told us about the importance of having strong interconnections between their homes, families, schools and communities on their overall health. They offered suggestions for creating the type of supportive community that they believe could strengthen their ability to cope with and manage some of the issues that negatively impact their mental health and well-being. These included having access to safe spaces to meet and connect with peers, stable and welcoming living environments, positive adult role models and services matched to their needs. Most important of all, young people felt that they must be involved in any discussions about mental health service or program planning.

Project I Do Care

Project I Do Care is an outreach effort driven by our Office and supported by youth across Ontario to learn more out about the experiences of young people with health and treatment systems. We brought young people together to share their stories and identify what must be put in place to help youth understand if they are receiving relevant mental health support services. The aim of I Do Care is to create greater awareness about young people's health rights so that the system does a better job of integrating those rights into all aspects of program and service delivery.

In 2013, Office staff ran a series of focus groups across Ontario, hearing from young people about problems they had with respect to their health rights being acknowledged and respected.

These sessions helped form the basis of the *Ultimate Health Rights Survival Guide*, produced by the Advocate's Office in collaboration with an advisory group of 10 young people. The guide helps children and youth understand their health rights using a practical step-by-step approach. It also provides information and work sheets about key health rights and documenting a plan of care.

"THIS DISCUSSION WAS A GOOD WAY TO HEAR ABOUT THE OPINIONS OF PEERS ON THE IDEAS OF MENTAL HEALTH AND THE IDEAS OF WHAT COULD BE DONE FOR OUR COMMUNITY."

“ALL THE INFORMATION WE TALKED ABOUT AND SHARED WITH EACH OTHER WAS GOOD TO LEARN AND HELPED US UNDERSTAND OTHERS’ OPINIONS AND VALUES.”



CONSENT IS NOT A FORM. IT IS A FULL
AND ONGOING CONVERSATION.

—PROJECT I DO CARE

PROVINCIAL AND DEMONSTRATION SCHOOLS

All young people have a right to contact
with their families.

ADVOCATING FOR MORE OPEN COMMUNICATION

WHAT WE SEE

Ontario operates a number of residential schools for deaf, blind, deaf-blind and severely learning-disabled students. Advocate's Office staff, in addition to responding to calls from individual youth about issues that challenge young people's rights at these schools, visit the schools every month to identify and address systemic issues.

In recent years, the Office has investigated a number of serious issues, including difficulties some students (especially deaf students) face when trying to communicate with their families. One example is restricted access to the Internet either because of school policies or network problems at the schools. This continues to be an issue.

Efforts to support these young people continue to be hindered by the Ministry of Education Provincial School Branch's position that our Office is not permitted to advocate on behalf of any student over

the age of 18, engage in anything other than informal advocacy or undertake a review of a school. We disagree with the Ministry's position on this matter.

HOW WE ARE HELPING

While our Office continues to pursue all available means to safeguard the rights of students attending provincial residential schools, we were pleased to learn the Ministry launched two pilot initiatives—Speak Up Student Voice Sessions and residential reviews—intended to help elevate the voice of students attending provincial and demonstration schools. In our monthly visits to these schools, staff ensure students are aware of their right to contact our Office.

New in 2013, was the creation of a youth committee, a group of students and former students with experience attending provincial and demonstration schools. Committee members advise the Office and offer direction about how we can improve our advocacy services for youth attending these schools.

COMMUNITY DEVELOPMENT, OUTREACH AND EDUCATION

ADVOCATING FOR GREATER CAPACITY

THE ADVOCATE'S OFFICE 2.0

How we communicate as a society is changing rapidly due to advances in technology, use of social media, multiple online news and information sources and software applications. To keep pace with these trends and meet young people “where they are” the Advocate’s Office undertook significant work in 2013 to build a new website. The website is a major part of an initiative we call “Advocacy 2.0,” a vision we have for creating a more dynamic and interactive meeting place where children and youth of all cultures, backgrounds and abilities can feel safe interacting with each other or seeking information and assistance from Office staff. The new site will link to our Facebook and Twitter accounts and become a place for streaming live events and hosting chat rooms for Office projects or sponsored discussions. We are also planning “Ask the Advocate” live sessions. The new website is slated for an early 2014 launch.



YOU ARE NOT ALONE

In early 2013, Office staff working on the You Are Not Alone (YANA) project travelled throughout Ontario to hear from lesbian, gay, bisexual, transgender and queer (LGBTQ) youth about what they thought could be done to make their lives better. In August, the Office established a working group of LGBTQ youth from across the province to identify themes in the information gathered by staff in their travels. In October, the working group met to develop a proposal with recommendations for the Office's ongoing work with LGBTQ youth. In December, a Youth Amplifier was hired to work on the project. Recommendations from the working group are currently under review and planning for next steps is being considered.

A UNITED NATIONS DOCUMENT THAT CHILDREN CAN READ

We believe it is important Ontario's children have a way to understand the federal government's commitment to their rights, including the progress being made to implement the *UN Convention on the Rights of the Child*. In 2013, Staff and Youth Amplifiers from the Office's Community Development team worked with UNICEF Canada to produce a plain language, child-friendly version of the document, *Concluding Observations of the United Nations Committee on the Rights of the Child to Canada on the occasion of Canada's third and fourth periodic review*. Our partner, UNICEF, designed the document in a way that made it visually appealing to children.

TEACHING THE TEACHERS—CHILD ADVOCACY INITIATIVE CERTIFICATE OF COMPLETION

In 2010, the Advocate's Office tested a pilot program with Humber College's Child and Youth Worker Program that trained students how to teach young people in care about their rights—including how the Advocate's Office can support them. Starting with just 20 students and one workshop, the project has broadened significantly over the past three years.

In 2013, the Office met with Child and Youth Worker Program coordinators from community colleges across Ontario to establish the Child Advocacy Initiative Certificate of Completion. The program includes training Child and Youth Worker students in children's rights and responsibilities, the *United Nations Convention on the Rights of the Child*, conflict resolution and

techniques for how to present a workshop to young people. We proposed signing a memorandum of agreement that would enable the colleges to participate in some way in this important educational work to inform Ontario's children about their basic rights. Building on the success of this initiative, the Office's Strategic Development unit developed a full credit child rights and advocacy course that is currently being piloted at Humber College. The aim of the course is to strengthen the capacity of youth service providers to consider and incorporate advocacy and children's rights into their daily professional practice.

CONNECTING YOUNG PEOPLE WITH THE PHILANTHROPIC SECTOR

The philanthropic sector has always been critical for filling gaps in government funding and policy, including gaps that affect services that promote the health, education, development and well-being of children. However, it is increasingly evident that conventional ways of thinking about philanthropy and civic engagement do not work for many young people. For example, young people are less engaged than their parents' generation in volunteer work and less likely to donate money. At the same time, we know young people demonstrate a passion and willingness to get involved in work that helps others and that, without a doubt, they are the future of the philanthropic (and all other) sectors in Ontario. How, then, can we get them more involved?

To begin answering this question, the Advocate's Office partnered with *The Philanthropist*—an online journal for practitioners, scholars, supporters and others engaged in the nonprofit sector in Canada—to guest edit a special issue of the journal. Published in the spring of 2013, the edition focused on young people and the future of philanthropy. Adult and youth authors contributed chapters on a range of issues regarding philanthropy and how they relate to young people. The special journal edition provided stimulus for the Ontario Non-Governmental Network's "Connect the Sector" movement to meet with the young article writers. The meeting was a springboard for the new Connect the Sector Fellowship Initiative, which invites young people to work with mentors in sharing ideas and building programs to shape the future of philanthropy.

FINANCIAL STATEMENTS

For the Year Ended March 31, 2013

	Approved estimates for the year ended March 31, 2013 (NOTE 3) \$	For the year ended March 31, 2013 \$	For the year ended March 31, 2012 \$
SALARIES & WAGES	3,781,700	3,443,548	3,031,304
EMPLOYEE BENEFITS (NOTE 4)	869,700	1,008,904	550,302
TRANSPORTATION & COMMUNICATION	851,200	928,078	693,816
SERVICES	2,910,000	2,085,560	2,395,254
SUPPLIES & EQUIPMENT	130,400	252,364	181,414
TOTAL	8,543,000	7,718,454	6,852,090
COMMITMENT (NOTE 5) See accompanying notes to financial statements.			

FINANCIAL STATEMENTS

1. BACKGROUND

The *Provincial Advocate for Children and Youth Act, 2007* was enacted to provide an independent voice for children and youth. The Office of the Provincial Advocate for Children and Youth (Office) serves children and youth in state care and the margins of state care through individual, systemic and policy advocacy. The Office is mandated to strive to be an exemplar in youth participation at all levels of its work. The Office is also mandated to take a special interest in children and youth with special needs, First Nations children and youth, children and youth in Ontario's schools for the deaf and blind, and Ontario's Demonstration schools.

2. SIGNIFICANT ACCOUNTING POLICIES

The Office follows the basis of accounting adopted for the Office of the Assembly as required by the *Legislative Assembly Act* and accordingly uses a modified cash basis of accounting, which allows an additional 30 days to pay for expenditures incurred during the year just ended. This differs from Canadian generally accepted accounting principles in that, for example, liabilities incurred but unpaid with 30 days of the year just ended are not recorded until paid, and expenditures for assets such as computers and office furnishing are expensed in the year of acquisition rather than recorded as fixed assets and amortized over their useful lives.

Expenditures are reported net of recoverable sales tax which is recovered by the Office of the Assembly on the Office's behalf.

3. APPROVED ESTIMATES AND EXPENDITURES

Estimates were prepared by the Office and approved by the Board of Internal Economy – an all-party legislative committee. It is presented for information purposes only and has not been audited.

Expenditures are paid out of monies appropriated by the Legislature of the Province of Ontario.

Financial and Human Resources services are provided by the Office of the Assembly without charge.

4. EMPLOYEE BENEFITS

The Office's permanent employees (and non-permanent employees who elect to participate) participate in the Public Service Pension Fund (PSPF) which is a defined benefit pension for employees of the Province and many provincial agencies. The Province of Ontario, which is the sole sponsor of the PSPF, determines the Office's annual payments to the fund. As the sponsor is responsible for ensuring that the pension fund is financially viable, any surpluses or unfunded liabilities arising from statutory actuarial funding valuations are not assets or obligations of the Office. The Office's required annual payments of \$251,000 (2012 - \$217,000) are included in employee benefits.

In March 2013, the Office and AMAPCEO renegotiated a new Collective Agreement for the period of April 1, 2012 to March 31, 2014. An outcome of the bargaining process was the elimination of Article 38 – Termination Payments. This facilitated a one-time payout of \$313,000 to existing classified bargaining employees which is included in employee benefits.

The cost of unused vacation and remaining earned legislated severance entitlements are recorded in the Statement of Expenditure when paid.

The cost of post-retirement non-pension benefits is paid by the Province and is not included in the Statement of Expenditure.

FINANCIAL STATEMENTS

5. COMMITMENTS

On February 26, 2009, the Office of the Provincial Advocate for Children and Youth leased office space for a term of 5 years with 2 extension options, commencing on December 1, 2009 and ending November 30, 2014. The lease requires future minimum rental payments for each fiscal year as follows:

YEAR ENDED MARCH 31,	TOTAL (\$)
2014	192,000
2015	128,000
	320,000

6. COMPARATIVE FIGURES

Certain prior year comparative figures have been reclassified to conform to the current year presentation.

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