

Ontario Ombudsman seeks power to investigate Children's Aid .txt
From: cep@ombudsman.on.ca
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To: rsolomon@oarty.net
Subject: Ontario Ombudsman seeks power to investigate Children's Aid Societies

The following is a press release and summary of the Ombudsman's submission to the Standing Committee on Social Policy on December 6, 2005. Deputations to the Committee <http://www.ontla.on.ca/committees/SocialPolicy.htm> will continue until December 15, 2005.

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FOR IMMEDIATE RELEASE

Ontario Ombudsman seeks power to investigate Children's Aid Societies

TORONTO (December 7, 2005) - Ombudsman of Ontario André Marin called on the government to give the Ombudsman's office the power to oversee Children's Aid Societies (CAS).

"Currently, my office cannot accept complaints directly about Children's Aid Societies, even though we receive hundreds of complaints each year," explained Mr. Marin. In the last fiscal year alone the office received 305 complaints concerning child welfare matters.

The Ombudsman made his pitch during a presentation to the Committee on Social Policy, which is currently examining Bill 210, the Child and Family Services Statute Law Amendment Act.

"It is deeply disturbing that my office is unable to help our most vulnerable citizens - children who are at risk," said Marin. "When things go horribly wrong, today's children can become today's tragedies."

Even though CAS receive provincial funding and are monitored by the province, they are considered to be private institutions placing them outside of the Ombudsman's purview. There is less independent oversight of child protection issues in Ontario than in other provinces.

Mr. Marin explained that furthermore the Bill claws back the limited oversight that the Ombudsman currently has to oversee Director's Reviews. A Director can be assigned by the Ministry to review a CAS decision. As the provincial government appoints the Director the Ombudsman has the authority to examine the way the review was conducted but not the underlying issue.

During his presentation to the Committee, Mr. Marin asked that the government recognize the gap in oversight and rectify this anomaly by amending Bill 210 to designate the CAS as governmental organizations for the purposes of the Ombudsman Act.

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This press release is also available in French.

The Ombudsman is an officer of the Legislature and is independent of both the political process and government administration. Generally an office of last resort, the Ombudsman investigates and resolves complaints about provincial governmental

Ontario Ombudsman seeks power to investigate Children's Aid .txt organizations and recommends corrective action. Services are free and confidential. Other languages can be arranged. For further information, call 416-586-3300, 1-800-263-1830 (English); 1-800-387-2620 (French); TTY 1-866-411-4211 or visit our website: www.ombudsman.on.ca

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Summary of the Ombudsman's Submission to the Standing Committee on Social Policy

The problem: Bill 210 fails to strengthen accountability of Children's Aid Societies.

The provincial Ombudsman does not currently have jurisdiction over Children's Aid Societies.

Although CASs are publicly funded and provincially monitored, they are essentially private institutions and therefore outside of the purview of the Ombudsman who oversees provincial government bodies.

The current regime provides the Ombudsman with very limited oversight of "Director's Reviews" which are undertaken under s. 68(3) of the Child and Family Services Act.

Directors may be assigned by the Ministry to review a CAS response to a complaint about services sought or received. The Ombudsman can examine how the Director conducts his review, but not the underlying issue. Bill 210 claws back this very limited ability of the Ombudsman to provide independent oversight.

The Solution: Give the Ombudsman jurisdiction to oversee the work of Children's Aid Societies

The jurisdiction can be expanded by simply adding a single line to the Child and Family Services Statute Law Amendment Act, which will designate CASs as governmental organizations for the purposes of the Ombudsman Act.

Rationale

The Ombudsman of Ontario currently receives hundreds of complaints per year that we cannot address or accept because of the current limits on the mandate.

There is less independent oversight of child protection issues in Ontario than in other provinces.

The Ombudsman of Ontario has a proven track record of addressing complaints, expeditiously, informally and effectively. The Ombudsman also investigates systemic problems and has the necessary powers in its Act to require the production of documents, compel testimony and conduct hearings if necessary.

December 6, 2005

For André Marin's comments on Ombudsman jurisdiction, please see the excerpts below taken from the "The Winds of Change Blow at the Ombudsman's Office," a keynote speech delivered to the 2nd Annual Summit On Child and Youth Mental Health, November 15, 2005:

"Finally, an important flaw in our mandate is the lack of jurisdiction over Children's Aid Societies. Despite this well-known gap in our mandate, I still

Ontario Ombudsman seeks power to investigate Children's Aid .txt received over 300 complaints last year about CAS. In at least one province, the responsibility of administering child protection is retained exclusively by the provincial government. In most jurisdictions, there is shared responsibility between government and private agencies. Ontario is the only jurisdiction in which child protection services are carried out solely by private agencies.

"In British Columbia, Manitoba and Nova Scotia, the Ombudsman has jurisdiction over complaints about private protection agencies. In most provinces, the Ombudsman has jurisdiction to investigate complaints about the provincial government's administration of child welfare. For example, in Nova Scotia, legislative amendments in 2004 provided that the Ombudsman had jurisdiction over child welfare agencies and child-caring facilities licensed under the Child and Family Services Act.

"Once again, Ontario's at the back of the oversight pack. Here, there is substantially less accountability with respect to the provision of child protection services, in that there is no independent investigative oversight of children's aid societies. More importantly, Bill 210, which proposes amendments to the Child and Family Services Act, would claw back the very limited oversight we now have over a segment of Directors' reviews, leaving the CAS without any independent oversight. Closing the small window we have to oversee the CAS. Rather than reduce independent oversight to nothing, the government should seize the opportunity to play catch up to the other provinces. It is time now, to modernize oversight. It's time to move to the front of the pack.

"It has been a very busy first 8 months on the job in which we have redefined our way of doing business. We are continuing the task of re-aligning our personnel and internal processes to maintain the momentum we quickly achieved. Shortly, we will be completing the infrastructure changes with a fresh logo, a new office location and a reinvigorated work force. In the coming months, we will step up our efforts at inviting a public dialogue over the need to modernize the Ombudsman's mandate. Not only has the mandate not been revisited in over 30 years (except for shortening the tenure of the Ombudsman from 10 to 5 years, Bill 210 will completely remove the CAS from the ambit of the Ombudsman. The independent, impartial oversight provided by my office is not always easy medicine to swallow but, as we have recently demonstrated, it is effective medicine."

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