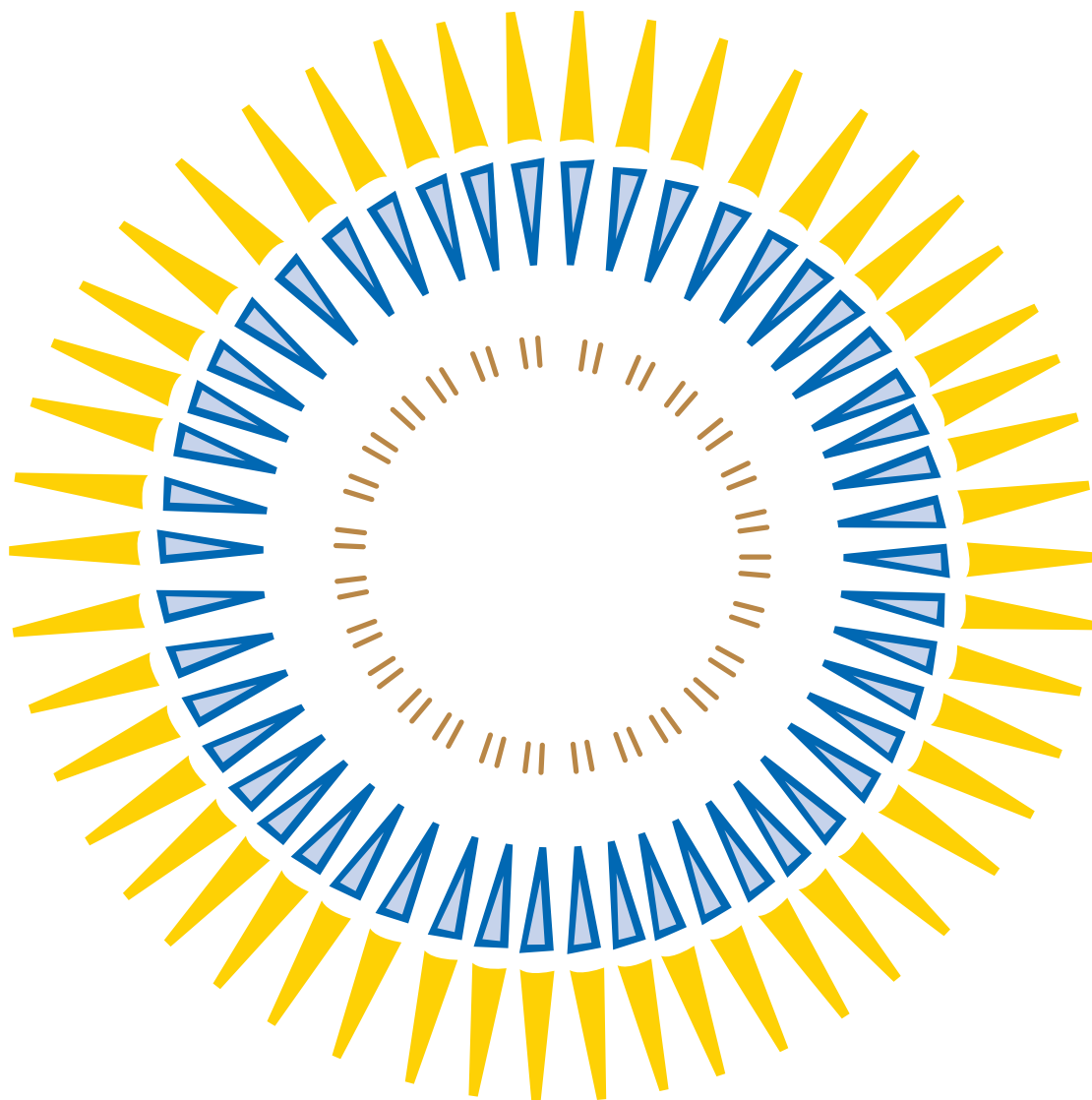


ABORIGINAL OPERATIONAL AND PRACTICE STANDARDS AND INDICATORS: OPERATIONAL STANDARDS

REVISED
JULY
2009



Acknowledgements

The Caring for First Nations Children Society wishes to acknowledge the Operational Standards Working Group for overseeing the review project. The committee is comprised of representation from:

The BC First Nations Directors Forum Human Resources Portfolio
The BC First Nations Directors Forum Member Child and Family Service Agencies
BC Urban Aboriginal and Métis Delegated Child and Family Services Agencies
Indian and Northern Affairs Canada
The Ministry of Children and Family Development

**Copyright 2009, Province of British Columbia
Ministry of Children and Family Development**

Table of Contents

Introduction	4
History	4
The 2009 Operational Standards	5
Purpose of Operational Standards	6
Purpose of Practice Standards	6
 READINESS CRITERIA OPERATIONAL STANDARDS	 7
Introduction	9
Standard 1: Governance	10
Standard 2: Service Delivery Model	12
Standard 3: Financial Administration	14
Standard 4: Human Resources	15
Standard 5: Communications Plan	17
Standard 6: Information Sharing	18
Standard 7: Client Records Management	19
Standard 8: Facilities	20
 VOLUNTARY SERVICES OPERATIONAL STANDARDS	 21
Introduction	23
Standard 1: Governance	24
Standard 2: Voluntary Services Delivery Model	26
Standard 3: Service Provider Recruitment and Retention	28
Standard 4: Client Confidentiality and Information Sharing	29
Standard 5: Management Information System	30
Standard 6: Caseload Guidelines	31
Standard 7: Contracted Services	32
Standard 8: Financial Resources	33
Standard 9: Joint Advisory/Management Committee	34
Standard 10: Monitoring	35
Standard 11: Human Resources	36
Standard 12: Competency	39
Standard 13: Supervision	41

TABLE OF CONTENTS

Standard 14: Training	42
Standard 15: Communications Plan	43
Standard 16: Client Complaint Process and Conflict Resolution	44
Standard 17: Protocol between the Ministry and the Agency	47
Standard 18: Protocol with Ancillary Agencies	49
Standard 19: Protocol with the Representative for Children and Youth	50
 GUARDIANSHIP OPERATIONAL STANDARDS	 51
Introduction	53
Standard 1: Governance	54
Standard 2: Guardianship Service Delivery Model	56
Standard 3: Service Provider Recruitment and Retention	57
Standard 4: Client Confidentiality and Information Sharing	58
Standard 5: Management Information System	59
Standard 6: Caseload Guidelines	60
Standard 7: Contracted Services	61
Standard 8: Financial Resources	62
Standard 9: Joint Advisory/Management Committee	63
Standard 10: Monitoring	64
Standard 11: Human Resources	65
Standard 12: Competency	68
Standard 13: Supervision	70
Standard 14: Training	71
Standard 15: Communications Plan	72
Standard 16: Client Complaint Process and Conflict Resolution	73
Standard 17: Protocol between the Ministry and Agency	76
Standard 18: Protocol with Ancillary Agencies	78
Standard 19: Protocol with the Representative for Children and Youth	79
Standard 20: Legal Counsel	80
 CHILD PROTECTION OPERATIONAL STANDARDS	 81
Introduction	83
Standard 1: Governance	84
Standard 2: Child Protection Service Delivery	86

Standard 2a: Capacity to Respond to Reports	88
Standard 3: Service Provider Recruitment and Retention	89
Standard 4: Client Confidentiality and Information Sharing	90
Standard 5: Management Information System	91
Standard 6: Caseload Guidelines	92
Standard 7: Contracted Services	93
Standard 8: Financial Resources	94
Standard 9: Joint Advisory/Management Committee	95
Standard 10: Monitoring	96
Standard 11: Human Resources	97
Standard 12: Competency	100
Standard 13: Supervision	102
Standard 14: Training	103
Standard 15: Communications Plan	104
Standard 16: Client Complaint Process and Conflict Resolution	105
Standard 17: Protocol between the Ministry and Agency	108
Standard 18: Protocol with Ancillary Agencies	110
Standard 19: Protocol with the Representative for Children and Youth	111
Standard 20: Legal Counsel	112
APPENDICES	113
Appendix I: Delegation of Authority to Employees of Aboriginal Agencies	115
Appendix II: Factors to Consider in the Recruitment and Retention of Residential Resources	121
Appendix III: Training	122
Appendix IV: Volunteer Screening Requirements	124
Appendix V(a): Common Review Pilot Terms of Reference	125
Appendix V(b): Compliance Review Checklist	137

Introduction

The Aboriginal Operational and Practice Standards and Indicators (AOPSI) emphasize the importance placed upon family and community within Aboriginal cultures. Though the emphasis of some of these standards differ from those of the Ministry, the safety and protection of children are always paramount. The AOPSI standards either meet or exceed those established by the Ministry.

History

In 1996, a meeting was held in Whistler, British Columbia. Participants at this meeting included the Executive Directors of Aboriginal Child and Family Service Agencies, the Department of Indian Affairs and Northern Development Canada, and the British Columbia Ministry of Children and Families. One of the initiatives to come out of the meeting was an agreement to establish a reference group that would proceed with the development of an Aboriginal Audit and Review process.

The first meeting of this reference group took place in March 1997. The reference group agreed that before an audit and review process could be established, the reference group would need to develop operational and practice standards for Aboriginal Child and Family Service Agencies. The standards would be the basis for measuring Agency compliance in an audit and review process. The reference group developed operational readiness criteria that enables First Nations Child and Family Service Agencies to sign Delegation Enabling Agreements (DEA) and went on to develop operational and practice standards for each level of delegated authority. The result of their work is the Aboriginal Operational and Practice Standards and Indicators (AOPSI) which was reviewed and approved by the Director of Child Protection and the Executive Directors of the First Nations Child and Family Service Agencies in 1999.

In 2003, the Ministry of Children and Family Development contracted with the Caring for First Nations Children Society to conduct a review of the AOPSI Practice Standards. The purpose of the review was to:

- enhance the quality of social worker practice by ensuring that the standards that guide practice and form the basis of the audit process are culturally appropriate, achievable and sound;
- ensure that the AOPSI practice standards are consistent with the revised Ministry practice standards and legislative and regulatory requirements;
- ensure that the AOPSI practice standards reflect the recommendations of case reviews for child protection practice;
- update and incorporate any additional changes required to the practice standards.

To complement the release of the revised practice standards in 2005, a review was begun the same year to revise and update the operational standards that govern the organizational development and service planning components of delegated Aboriginal Child and Family Service Agencies. The revised standards were released in 2009.

The 2009 Operational Standards

In 2005, a Working Group was formed to revise and update the original AOPSI Operational Standards. Time and application had identified gaps in the standards. The review provided an opportunity to address those gaps and identify emerging shifts in operations, as this was the first review of the Operational Standards since their inception in 1999.

The Working Group felt that it was important that each level within the Operational Standards would stand alone and have continuity. References from Standards in one level to Standards in a different level have been eliminated. The numbering of all Standards for a particular operational requirement in one level corresponds to the same number for that requirement in all the levels.

Another global change was in terminology. The language is more succinct and less repetitive. More clarity is also created. For example, operations are now referred to as agency ‘activities’ and not agency ‘practice’. References to specific organizations and agencies have been updated. The different levels of delegation now have names; Voluntary Services, Guardianship and Child Protection, and not numbers. The use of terms is consistent throughout. The term “First Nations” has been replaced by “Aboriginal” to reflect the emergence of urban Aboriginal and Métis delegated Agencies. Differences in requirements for First Nations Agencies are identified when needed.

Although there was a desire to complete this review in a timely manner, it is now in its fourth year and a number of gaps still exist as others emerge over time. In particular, **Standard 12: Competency** continues to generate much discussion and debate in regards to facilitating the recruitment and retention of practitioners from the communities and cultures within the service delivery area. There was a recommendation from the Working Group to develop a Competency Based Assessment Tool which, at the time of this review, is in the proposal stage. The current standard, although in need of a revision, remains the same until such time as a Competency Based Assessment Tool is developed.

The Working Group has identified a need for a dynamic set of Operational Standards that are able to address emerging needs, trends, shifts, and practices. The Working Group recommends that a mechanism is developed and resourced to address the evolving influences on operations with a means to review and amend the Operational Standards on an ongoing basis.

Purpose of Operational Standards

The delegation of authority to provide child welfare services flows from the *Child, Family and Community Service Act* (CFCSA). When Aboriginal communities seek to develop their own delegated child and family service Agencies, they must meet operational standards and requirements. Operational standards assist Agencies and the Ministry by establishing criteria for the delegation of authority for child welfare services under the CFCSA. The operational standards are also important tools for the financial review, operational review and practice audit (“Common Audit”) of Aboriginal Child and Family Service Agencies.

The standards establish the operational readiness criteria that an Agency must meet in order to sign a Delegation Enabling Agreement (DEA) and/or to receive funding from Indian and Northern Affairs Canada (INAC).

The operational standards address:

- governance;
- service delivery model;
- financial administration;
- human resources;
- communication;
- administration (e.g., information sharing, records management).

For each of these components there is a standard statement and a list of criteria for achieving the standard. These standards represent minimum expectations of performance and it is recognized that an agency may well exceed these standards.

Purpose of Practice Standards

The practice standards are the foundation for providing child and family services and represent minimum expectations of performance. The standards ensure that Agency social workers and supervisors deliver quality services to children and families. Additionally, practice standards are important tools for the Common Audit of the Agency.

For each of the practice standards there is a standard statement and a list of criteria for achieving the standard. These standards represent minimum expectations of performance and it is recognized that an agency may well exceed these standards.

NOTE: For ease of use, the Operational and Practice Standards are available as two separate documents. The Operational Standards are intended to be used by boards of directors, executive directors and supervisors. The practice standards are targeted toward frontline agency staff and social workers. The practice standards are available at: www.cfncs.com

Readiness Criteria Operational Standards



Table of Contents

Introduction 9

Standard 1: Governance 10

Standard 2: Service Delivery Model 12

Standard 3: Financial Administration 14

Standard 4: Human Resources 15

Standard 5: Communications Plan 17

Standard 6: Information Sharing 18

Standard 7: Client Records Management 19

Standard 8: Facilities 20

Introduction

Authority to provide delegated child and family services flows from the First Nations Director of Child Welfare, as per the *Child, Family and Community Service Act* (CFCSA). When Aboriginal communities seek to develop their own child and family service agencies, they must meet basic operational standards or requirements. The Operational Readiness Criteria identified here form the basis for the Aboriginal community and the Ministry to negotiate a Delegation Enabling Agreement (DEA) with the First Nations Director of Child Welfare. A DEA enables the community to take on the delegation of authority for child welfare services.

The Operational Readiness Criteria address the key components of organizational development and service planning. These include:

- governance;
- service delivery model;
- financial administration;
- human resources;
- communication;
- administration (information sharing, records management);
- facilities.

Within each component of the Operational Readiness Criteria, there is a series of standards to be achieved and a listing of the activities/indicators which state how the standard can be met.

These operational standards are minimum expectations of performance for the Agency.

STANDARD 1

Governance

The Agency has a governance model that delineates the Agency authority, legal status, accountability, conflict of interest and the roles of key parties.

In the context of Aboriginal Child and Family Services, governance refers to the following activities:

- setting Agency vision and establishing a strategic plan;
- establishing overall policy direction congruent with CFCSA and AOPSI for the operation of the Agency;
- hiring of the Executive Director/Program Director who has a background and experience in child welfare;
- ongoing relations with the First Nations governing body or Aboriginal community.

The governance structure for each Agency will vary with each community. This governance body could be the Board of Directors of a non-profit society; a First Nations Government, Band or a Band subcommittee; or a Tribal Council or subcommittee thereof. The governing body is excluded from making decisions regarding day-to-day operational management or specific child welfare cases.

Agency Activity:

During the planning stage the Agency will complete the following requirements:

- **Authority:** The Agency will obtain a Band Council Resolution indicating the support of the community for the planning process to provide child welfare services under a Government, Band, Tribal Council, or non-profit society incorporated under the *Society Act*. In the case of an urban Agency, they will obtain the support of the Aboriginal stakeholders in the community;
- **Legal Status:** The Agency will negotiate a Delegation Enabling Agreement (DEA) with the First Nations Director of Child Welfare and the First Nations governing body or Aboriginal stakeholders representing the community, as per section 92 of the *Child, Family and Community Services Act*. In the case of a First Nations Agency, the DEA is a tripartite document that includes Indian and Northern Affairs Canada (INAC), in which case a Joint Advisory/Management Committee is established;
- **Accountability of Community, Chief and Council:** The Agency has a governance model that reflects and reinforces the commitment of the First Nations governing body or Aboriginal community to developing a child and family service Agency. The Agency will provide services that both meet the needs of the children and families, and reflect traditional values;

- **Dual Accountability:** The Agency has established policies that address the dual accountabilities of the delegated staff of the Agency to both their employer and to the First Nations Director of Child Welfare, and will ensure that the CFCSA applies to the Agency and its delegated staff;
- **Agency Integrity:** The Agency will adhere to the BC Association of Social Workers Code of Ethics and may choose to establish additional ethical standards. The Agency will also conduct Criminal Record Reviews on all new Board members and every two years on continuing Board members to ensure the integrity of its Board of Directors, or comparable governing body;
- **Agency Autonomy:** The Agency has a policy and/or protocol with the Band/Tribal Council/Nation to ensure the autonomy of child and family services with respect to:
 - service planning;
 - Agency budget;
 - the delivery of all prevention, support, protection and intervention services;
 - confidentiality of case files;
 - case management;
 - staffing.
- **Conflict of Interest:** The Agency has established policies to ensure that Board members, staff and contractors do not have, or give the appearance of, any conflict of interest and do not use their relationship with the Agency for personal gain, or to impact case management decisions.

STANDARD 2

Service Delivery Model

The Agency has conducted a Needs Assessment, has compiled an inventory of available services, and has identified required services and timelines, within the allocated budget framework.

Agency Activity:

A service delivery model for delegated services will be designed during the planning stage for the Agency. The Agency will complete the following tasks:

- developed its mission statement, goals, objectives, structures and roles;
- carried out a comprehensive review of the *Child, Family and Community Service Act* to determine the minimum mandated services to be provided by the Agency;
- gathered information to identify the full range of services that may need to be provided. These could include community development; preventive services; voluntary, guardianship and child protection services; and adoption (including a review of current caseloads);
- clearly identified the intended population and geographic area to be served, based on factors such as other delegated agencies in the area, Indian status and/or Band membership, place of client residency, and Aboriginal identification. This will clarify the children and families for whom the Agency has responsibility;
- identified the funding responsibilities of both the federal and provincial governments, as per jurisdictional understandings;
- described the services to be offered in a manner that is consistent with the level of authority outlined in the Delegation Matrix (see Appendix I);
- identified the resources needed to deliver services, including caregivers, therapists, parenting programs, child care workers, social workers, homemakers, and others. This will also include a plan for the ongoing recruitment and retention of caregivers and service providers;
- identified existing ancillary services, such as schools and health services, and their information needs around the role of the Agency;
- provided community education forums that outline the role and mandate of the Agency;
- established timelines for the development of each service area, which allows time for planning activities during each step of Agency development;
- identified the types of funding available for ancillary services (e.g., Health Canada, housing) and understands the implications of each type of funding for the design of a child and family service agency;
- established an ongoing orientation process with all service providers, which includes the *BC Handbook for Action on Child Abuse and Neglect*. This will enable service providers to understand the scope and mandate of Agency services;

- developed and implemented selection criteria for contracted services, and caregiver and support services;
- identified a process to ensure the periodic review of its service delivery model;
- developed a plan to respond to after hour emergencies.

STANDARD 3

Financial Administration

The Agency has a financial administration manual and system that is consistent with generally accepted accounting principles which ensures financial accountability. The Agency has received a commitment to ensure sufficient funding will be in place to commence service delivery.

Agency Activity:

During the planning stage of development the Agency will ensure:

- that the budget for child and family services will be autonomous from the budget of the First Nations governing body, and/or from the rest of the Society if it also covers non-child welfare services. This is intended to ensure that no part of the budget, including temporary surplus funds, becomes allocated to non-child welfare expenditures;
- that the person responsible for managing child and family service programs controls the administration of the entire child welfare budget. This applies to Agencies which are either in a planning or operational stage;
- that its financial recording, reporting and internal control systems are in compliance with generally accepted accounting principles and include:
 - signing and spending authorization;
 - expenditure controls;
 - separate budgets for each program area and accounting code;
 - links with budget planning and (re)allocations with service needs, as determined by the governing body of the Agency and community input. This covers both statutory and non-statutory services;
 - budgetary provision for annual financial audits;
 - guidelines for the use of “surplus” funds which ensure that these funds are used for child and family service purposes.

The Agency obtains a commitment from the Federal and/or Provincial government(s) that operational funding will commence when:

- the Agency meets the criteria established by the Federal and/or Provincial government;
- the parties have signed a Delegation Enabling Agreement (DEA), which indicates the timeline for delegation.

In the case of a First Nations Agency, they provide INAC and the Ministry with a copy of the Band Council Resolution adopting the DEA, and with a copy of the signed DEA, in order for INAC to authorize the release of start-up funding. The Agency informs the member Band(s) that Federal funding for family support services which was previously available through the Social Development program, INAC, will no longer be available for the individual Band(s).

STANDARD 4

Human Resources

The Agency has a comprehensive human resources policy manual which reflects Federal and/or Provincial labour laws.

Agency Activity:

During the planning stage, the Agency will develop a human resources policy manual that includes the following components:

Recruitment:

- recruitment and hiring practices which include an interview format, screening mechanisms including Criminal Record Reviews and reference checks (including previous supervisors), and documentation indicating required academic qualifications and previous work experience, including disclosure of previous delegated responsibilities;
- a letter of expectation (including probationary period) signed by both the employer and the employee prior to employment commencing.

Orientation:

- orientation to the human resources policy and any other applicable policies related to CFCSA and AOPSI;
- orientation for new staff on the particular culture of the Agency;
- signed oath of confidentiality pertaining to client information and Agency matters (including personnel matters).

Conflict of Interest:

- policies that address potential conflict between personal interests of the employees and the interests of the employer.

Code of Ethics

- policies that reflect the BC Association of Social Workers Code of Ethics.

Functions and Duties of Employees:

- job descriptions;
- reporting relationship as outlined in the CFCSA, standards, and other Agency policies;
- dual accountability to the Agency and First Nations Director of Child Welfare;
- hours of work, including after hours coverage.

Labour Relations:

- probation and annual performance reviews;
- harassment policy, including sexual harassment;

- grievance procedures;
- progressive discipline and corrective action;
- workplace health and safety;
- workplace violence;
- internal conflict resolution process for Agency staff and management;
- termination (including failure to comply with CFCSA and other relevant legislation).

Employee Benefits:

- compensation and benefits, including employee overtime, leave and vacation;
- Employee Assistance Program;
- cultural considerations and responsibilities that impact the employee benefits package (e.g., special holidays, bereavement leave).

Administration:

- policies regarding personnel files which include provisions for confidentiality and security of employee files;
- policy pertaining to access to files and changes to files;
- the inclusion of the employee's training plan on file.

Training:

- plans for employee training consistent with the level of delegation of authority required;
- ongoing professional development to maintain and enhance current practice.

Protection from Liability:

- the Agency has a plan to ensure that its social workers possess a combination of the requisite practice skills, educational background, and relevant training within the context of culture and the Aboriginal community;
- the Agency has WorkSafe BC coverage;
- the Agency has ensured staff have appropriate ICBC coverage;
- the Agency agrees to develop long-term plans for staffing based on a projected demand for services;
- staff cannot be reprimanded if they were carrying out their legislated duties in a manner consistent with the CFCSA.

Note: Under section 101 of the CFCSA *"No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of a) a power, duty, or function conferred by or under this Act, or b) a power, duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred by or under this Act."*

Review Mechanism:

- a plan to review the human resources policy as the Agency obtains each new level of delegation and/or when there are legislative changes impacting human resources.

STANDARD 5

Communications Plan

The Agency agrees to develop a communications plan that will help the Agency inform and stay accountable to the community and funding organizations.

Agency Activity:

During the planning stage, the Agency will complete the following tasks:

- obtained input from the community regarding service planning and service delivery concerns;
- developed a communications plan consistent with Operational Standard 15;
- clearly documented the roles of:
 - the Agency,
 - the Ministry,
 - the Band(s) and/or Tribal Council (if applicable),
 - the Board of Directors,
 - the First Nations Director of Child Welfare,
 - INAC,
 - other human service agencies;
- agreed to develop protocols with the Ministry, as per Operational Standard 17; with school districts, band schools and police; as per Operational Standard 18, and any legislated office dealing with child and family services, as per Operational Standard 19;
- ensured that there is a mechanism for conflict resolution among the parties to the DEA (i.e., the Agency, INAC and Ministry);
- agreed to establish a client complaint process as per Operational Standard 16.

The Agency has a plan to negotiate a protocol with the Ministry to manage the following activities:

- the sharing of information when both the Agency and the Ministry have responsibilities to deliver services to a child or family, prior to the Agency receiving delegated authority as per the Delegation Matrix; and
- the transfer of authority for cases and the associated files (both electronic and paper) prior to the Agency delivering services.

STANDARD 6

Information Sharing

The Agency has a plan to develop a policy pertaining to confidentiality and information sharing.

Agency Activity:

The Agency has a plan to develop policy pertaining to the sharing of information which has been obtained or disclosed in the course of fulfilling the authority delegated under the Delegation Matrix. Refer to Appendix I *“Delegation of Authority to Employees of Aboriginal Agencies”*.

The policy will address:

- initiating contact with Aboriginal Policy and Service Support for access to the Management Information System;
- exceptions to rights of access to information;
- disclosure of information with consent;
- disclosure of information without consent;
- accuracy, protection and retention of information.

The Agency is aware of the need for automated methods of information sharing with the Ministry and other agencies. The Agency will develop plans to implement:

- the Ministry software suite, which includes “MIS” software, the “Outlook” program, the central registry, and the community information system; and may have
- a community-based software suite, which includes Case Management software, an e-mail gateway to the Ministry “Outlook”, automated gateways to the Ministry systems or mutually agreed upon policies for the manual sharing of information until such a time as the Ministry can implement such a gateway.

The Agency and the Ministry will negotiate a plan to ensure that employees receive training in the use of the above systems.

The Agency has a plan to develop a system which will manage the collection and retrieval of any other information needed to manage the services provided as per the Delegation Matrix.

The Agency has a plan to develop a system for responding to queries about cases or files from parties who are not directly involved in the care of a child (e.g., media, politicians). This plan will address the legal aspects pertaining to Agency liability when sharing confidential information. This plan will clarify who has responsibility for responding to queries from the media.

The Agency has policies to manage, store and access restricted files (a restricted file includes resource files, family service files and after hours files). The Agency has a plan to develop a policy for data entry and retrieval by Team Assistants that includes roles, responsibilities, and reporting requirements to the delegated worker responsible for the information.

STANDARD 7

Client Records Management

The Agency has a plan to develop a records management system which will meet both the needs of the Agency and applicable Provincial legislation.

Agency Activity:

The Agency has a records management plan which ensures that client records and Agency service records are:

- stored securely, including a separate file room, with a locked door to space and to building, and policy on who has access to what files. It is recommended that the Agency also have fireproof cabinets and an alarm system;
- accessed only for valid purposes;
- only disposed of in accordance with the provisions of the *Document Disposal Act*, the *Child, Family and Community Service Act*, and the *Freedom of Information and Protection of Privacy Act*. Closed files are eligible for off-site storage and must be handled according to procedures outlined by Ministry Circular 31, Information, Privacy & Records Services – Storage of Eligible, Closed Registered Files Procedures.

Restricted access files are kept locked in a delegated supervisor's office. The Agency may use provincial government facilities for storage unless the Agency has its own facilities that meet provincial standards.

STANDARD 8

Facilities

The Agency has identified a site or location for a facility which is equipped and maintained in a manner that is suited to its programs.

Agency Activity:

Based on community input and budgetary constraints, the Agency will design/select a facility which reflects the needs of the clientele receiving services.

In designing, planning and locating its offices, the Agency will assess all issues including staffing, transportation issues, proximity to community services and the special needs of clients and potential clients residing within the geographic service area(s) of the Agency.

The Agency will ensure the facility is accessible and safe for clients, staff and visitors. The Agency will maintain a physical work environment for its staff that is conducive to effective employee performance and will have offices or rooms available for interviewing/counselling children and families which allow for privacy and confidentiality.

Note: Agencies may refer to detailed standards which have been developed by the Council on Accreditation. See www.coastandards.org.

Voluntary Services Operational Standards

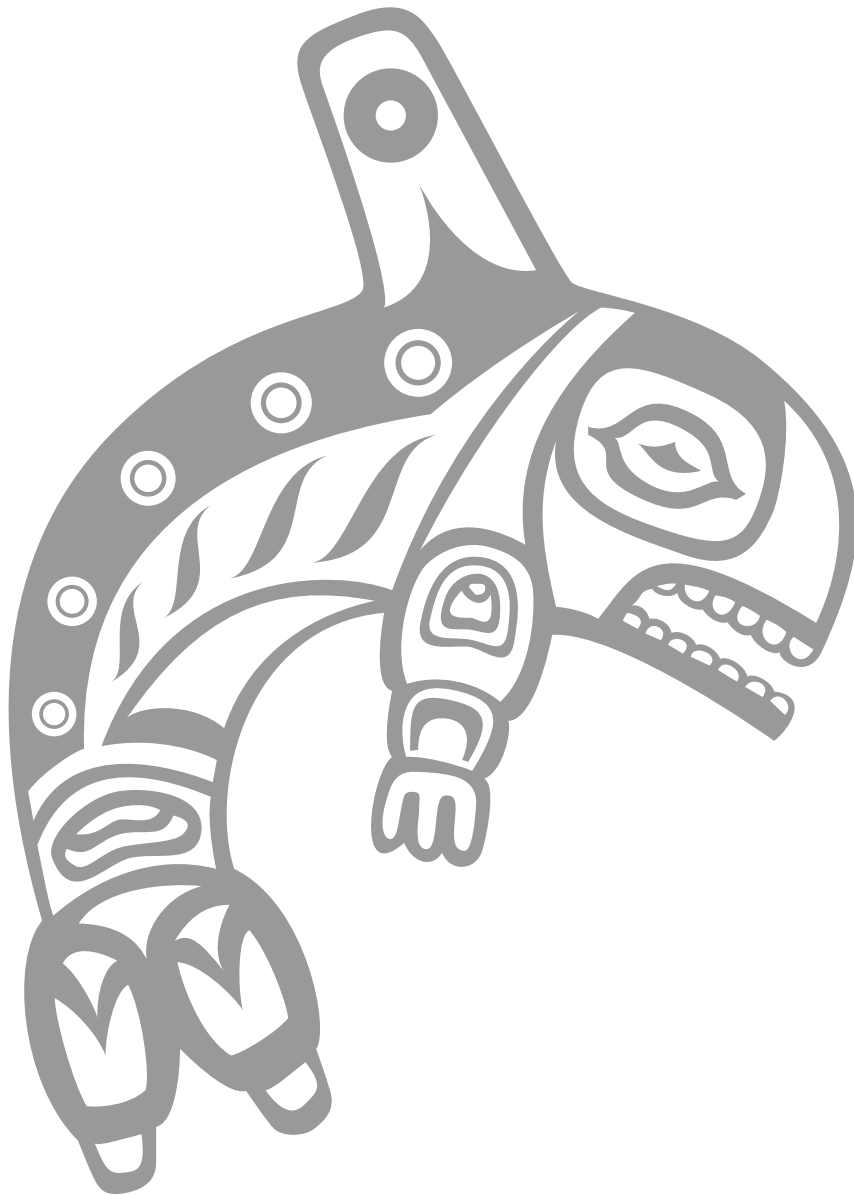


Table of Contents

Introduction	23
Standard 1: Governance	24
Standard 2: Voluntary Services Delivery Model	26
Standard 3: Service Provider Recruitment and Retention	28
Standard 4: Client Confidentiality and Information Sharing	29
Standard 5: Management Information System	30
Standard 6: Caseload Guidelines	31
Standard 7: Contracted Services	32
Standard 8: Financial Resources	33
Standard 9: Joint Advisory/Management Committee	34
Standard 10: Monitoring	35
Standard 11: Human Resources	36
Standard 12: Competency	39
Standard 13: Supervision	41
Standard 14: Training	42
Standard 15: Communications Plan	43
Standard 16: Client Complaint Process and Conflict Resolution	44
Standard 17: Protocol between the Ministry and the Agency	47
Standard 18: Protocol with Ancillary Agencies	49
Standard 19: Protocol with the Representative for Children and Youth	50

Introduction

Social workers employed by Agencies who have received Voluntary Services delegation have the authority to provide ONLY the following services identified in Part 2 of the *Child, Family and Community Service Act*:

- support services for families;
- voluntary care agreements (e.g., temporary non-protective care);
- special needs agreements;
- establishing residential resources.

Delegated social workers must ensure that these services are delivered in a manner that complies with the following sections of Parts 4, 5, 7 and 8 of the Act which refer to:

- children in care (s. 70 – 71);
- confidentiality and disclosure of information (s.73 – 80);
- procedures for reviews (s. 93(3) s. 101.1).

The following sections of Parts 7 and 8 of the CFCSA enable workers with Voluntary Services delegated authority to:

- provide preventive and support services for families (s. 93(1)(a));
- establish residential services for children and youth (s. 93(1)(d));
- establish services to assist in the resolution of family disputes (s. 93(1)(e));
- establish services to assist communities to strengthen their ability to care for and protect their children (s. 93(1)(f));
- enter into agreements and contracts for the provision of services (s.93(1)(g));
- promote the participation of the Aboriginal community in the planning, development and delivery of services (s. 93(1)(h));
- enter into agreements for parental contributions to the maintenance of a child in care (s. 97(2));
- request police assistance in enforcing a restraining order made under the Act (s. 98).

These operational standards are the minimum expectations of performance for the Agency.

STANDARD 1

Governance

The Agency has a governance model that delineates the Agency authority, legal status, accountability, conflict of interest and the roles of key parties.

In the context of an Agency, governance refers to the following activities:

- setting Agency vision and establishing a strategic plan;
- establishing overall policy direction congruent with CFCSA and AOPSI for the operation of the Agency;
- hiring of the Executive Director/Program Director who has a background and experience in child welfare;
- ongoing relations with the First Nations governing body or Aboriginal community.

The governance structure for each Agency will vary with each community. The governing body is excluded from making decisions regarding day-to-day operational management or specific child welfare cases.

Agency Activity:

The Agency governance model addresses the following:

- **Authority:** The Agency has obtained a Band Council Resolution indicating the support of the community for the planning process to provide child welfare services under a Government, Band, Tribal Council, or non-profit society incorporated under the *Society Act*. In the case of an urban Agency, they have obtained the support of the Aboriginal stakeholders in the community;
- **Legal Status:** The Agency has negotiated a Delegation Enabling Agreement/ Delegation Confirmation Agreement (DEA/DCA) with the First Nations Director of Child Welfare and the First Nations governing body or Aboriginal stakeholders representing the community, as per section 92 of the *Child, Family and Community Services Act*. In the case of a First Nations Agency, the DEA is a tripartite document that includes Indian and Northern Affairs Canada (INAC), in which case a Joint Advisory/Management Committee is established;
- **Insurance:** Once the DEA/DCA is signed, the Agency will contact the Ministry (Aboriginal Regional Support Services Team) to ensure it has liability insurance through the Master Insurance Plan, for all employees, Board members, committee members and contracted service providers. The Agency will also ensure it has appropriate WorkSafe BC and ICBC coverage, and fire/theft/liability insurance for Agency premises;
- **Accountability of Community, Chief and Council:** The Agency has a governance model that reflects and reinforces the commitment of the First Nations governing body or Aboriginal community to developing a child and family service Agency. The Agency will provide services that both meet the needs of the children and families, and reflect traditional values;

- **Dual Accountability:** The Agency has policies that address the dual accountabilities of the delegated staff of the Agency to both their employer and to the First Nations Director of Child Welfare, and will ensure that the CFCSA applies to the Agency and its delegated staff;
- **Agency Integrity:** The Agency will adhere to the BC Association of Social Workers Code of Ethics and may choose to establish additional ethical standards. The Agency will also conduct Criminal Record Reviews on all new Board members and every two years on continuing Board members to ensure the integrity of its Board of Directors, or comparable governing body;
- **Agency Autonomy:** The Agency has a policy and/or protocol with the Band/Tribal Council/Nation to ensure the autonomy of child and family services with respect to:
 - service planning;
 - Agency budget;
 - the delivery of all prevention, support, protection and intervention services;
 - confidentiality of case files;
 - case management;
 - staffing.
- **Conflict of Interest:** The Agency has policies to ensure that Board members, staff and contractors do not have, or give the appearance of, any conflict of interest and do not use their relationship with the Agency for personal gain, or to impact case management decisions.

STANDARD 2

Voluntary Services Delivery Model

The Agency refers to and/or provides a range of services needed to offer the following:

- Support Service Agreements (e.g., respite care);
- Prevention/Support/Ancillary Services;
- Voluntary Care Agreements (e.g., temporary non-protective care);
- Special Needs Agreements;
- Residential Resources for children and youth.

Agency Activity:

Based on the community needs assessment, the Agency has developed preventive services, resources for child and family services and voluntary guardianship services. The Agency may also provide cultural support services to children in the care of the Ministry and/or other jurisdictions and/or other Agencies.

The Agency utilizes specific credentials that apply to the selection of service providers who are contracted to provide:

- homemaker or health aide services (e.g., occupational therapy, physiotherapy);
- early intervention services for infants and young children (e.g., Aboriginal Head Start program);
- respite care;
- family life education;
- family support programs.

The Agency will have completed the following tasks:

- identified the resources needed to deliver services, including caregivers, therapists, parenting programs, child care workers, social workers, homemakers and others. This will also include a plan for the ongoing recruitment and retention of caregivers and service providers;
- identified existing ancillary services, such as schools and health services, and their information needs around the role of the Agency;
- provided community education forums that outline the role and mandate of the Agency;
- established timelines for the development of each service area, which allows time for planning activities during each step of Agency development;
- explored and identified the types of funding available for ancillary services (e.g., Health Canada, housing), and understands the implications of each type of funding for the design of ancillary child and family services;

- established an ongoing orientation process with all service providers, which includes the *BC Handbook for Action on Child Abuse and Neglect* (http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf). This will enable service providers to understand the scope and mandate of Agency services;
- developed and implemented selection criteria for contracted services, and caregiver and support services;
- identified a process to ensure the periodic review of its service delivery model;
- developed a process to respond to after hour emergencies.

STANDARD 3

Service Provider Recruitment and Retention

The Agency has a strategy for the ongoing recruitment and retention of family care homes and staffed residential resources.

Agency Activity:

The Agency has a plan for the recruitment of residential services, including a process for their approval and retention. This plan ensures that the Agency has a sufficient number of diverse placement options available. This will allow for:

- appropriate matching of all children and youth with family care homes and staffed residential resources;
- stability and continuity of placements for children and youth in care;
- orientation and training of caregivers to care for children;
- adequate respite for caregivers to allow for continuity of care for children and youth in care.

Refer to Appendix II *“Factors to Consider in the Recruitment and Retention of Residential Resources”*.

STANDARD 4

Client Confidentiality and Information Sharing

The Agency has policy and procedures to address the sharing of information in the course of fulfilling its authority delegated under Voluntary Services of the Delegation Matrix. These include:

- exceptions to rights of access to information;
- disclosure of information with consent;
- disclosure of information without consent;
- accuracy, protection and retention of information.

Agency Activity:

The Agency must have a policy regarding client confidentiality and information sharing. This policy must:

- comply with Part 5 of the *Child, Family and Community Service Act*;
- identify a process for the release of information – to whom, and for what purpose – that is consistent with applicable Federal and Provincial legislation;
- where applicable, ensure informed/signed consent of the parties (i.e., client and Agency) to the release of information;
- ensure security of client files (i.e., paper and electronic);
- address access to and storage of restricted files (see Operational Criteria, Standard 7: Readiness);
- address the retention and disposal of files, taking into account the applicable legislation;
- address confidentiality with third-party contractors;
- protect client confidentiality when research projects are being carried out.

STANDARD 5

Management Information System

The Agency will maintain up-to-date client information in the Ministry's Management Information System (MIS).

Agency Activity:

The Agency will utilize MIS to enter, update and retrieve information. The Agency will designate a staff member as the primary security contact and another staff member as an alternate security contact for MIS. The Agency will be responsible for developing policy that outlines the roles and responsibilities of the security contact people. This policy will also outline the process for completing Security Access Request forms.

Note: For those Agencies that already have a case management system, a gateway system will be developed.

The Agency has a policy for data entry and retrieval by Team Assistants that includes roles, responsibilities, and reporting relationship to the delegated worker responsible for the information.

STANDARD 6

Caseload Guidelines

The Agency has caseload guidelines with respect to the provision of services under Voluntary Services delegation.

Note: This standard has been included at the request of the FNFCS agencies. The First Nations Director of Child Welfare regards these as guidelines rather than standards.

Agency Activity:

The Agency will have caseload guidelines that address the maximum number of cases for a worker. These maximums will be weighted for:

- severity of risk – parental capacity or incapacity;
- severity and complexity of the needs of the child;
- geography, need for travel, remoteness and accessibility;
- politically contentious cases.

The guidelines will also provide direction to govern the transfer of files to another social worker and include conflict of interest guidelines for the assignment of cases.

As a guideline, with primary consideration given to the above-noted criteria, the Agency social worker caseload size should not exceed:

- 25 files at any one time.

The Agency must consider a number of factors in the development of caseload guidelines, including:

- the unique stress of being a worker from the local community, which requires special support;
- the needs of the child, the community's needs, and the duration and intensity of service required;
- the geographic location of the child, and the service delivery model chosen by the Agency;
- the size of teams (when the service is team-delivered);
- the need for a balance among cases in different stages of the case management process (e.g., engagement, active, termination);
- the need for a balance among families presenting different levels of need.

STANDARD 7

Contracted Services

When the Agency engages a contracted service provider, the Agency has policies and procedures that ensure the service provider is aware of and complies with all of the obligations of the contract.

Agency Activity:

Before an Agency enters into a contractual service arrangement with a service provider, the Agency will ensure:

- that the contracted service provider or agency which is to provide the service employs individuals who have the necessary qualifications and have a Criminal Record Check and Criminal Record Review that do not compromise the safety and well-being of children;
- that the scope of service to be provided is specified in the contract;
- that the performance of the service provider will be monitored by the Agency in order to ensure accountability of the service provider and enable the Agency to evaluate the effectiveness of the service being delivered.

All contracted service provision arrangements are to be standardized and reviewed by the Agency and legal counsel. This will ensure that all contracts:

- meet the legal requirements of the *Child, Family and Community Service Act* regarding information sharing and confidentiality;
- have included a provision that the required insurance is in place, including, but not limited to, the Master Insurance Program and WorkSafe BC coverage.

STANDARD 8

Financial Resources

The Agency will negotiate with the Ministry and INAC for sufficient resources to deliver the services required to carry out Voluntary Services delegated responsibilities.

Agency Activity:

In order to be operational, the Agency will receive sufficient funds to carry out its responsibilities as defined in the Delegation Matrix. The operational funding and funding for child maintenance costs will come from INAC, for eligible Federally funded children. The Agency will also negotiate with the Ministry for Provincially funded children, and contracted services where applicable.

The Agency will ensure:

- that the budget for child and family services will be autonomous from the budget of the First Nations governing body, and/or from the rest of the Society's budget if it also covers non-child welfare services. This is intended to ensure that no part of the budget, including temporary surplus funds, becomes allocated to non-child welfare expenditures;
- that the person responsible for managing child and family service programs controls the administration of the entire child welfare budget. This applies to Agencies which are either in a planning or operational stage;
- that its financial recording, reporting and internal control systems are in compliance with generally accepted accounting principles and include:
 - signing and spending authorization;
 - expenditure controls;
 - separate budgets for each program area and accounting code;
 - links with budget planning and (re)allocations with service needs, as determined by the governing body of the Agency and community input. This covers both statutory and non-statutory services;
 - budgetary provision for annual financial audits;
 - guidelines for the use of "surplus" funds which ensure that these funds are used for child and family service purposes.

STANDARD 9

Joint Advisory/Management Committee

A Joint Advisory/Management Committee is in place to ensure implementation of the Delegation Enabling/Confirmation Agreement.

Agency Activity:

The Parties will ensure that the Joint Advisory/Management Committee (JAC/JMC) referenced in the Delegation Enabling Agreement/Delegation Confirmation Agreement (DEA/DCA) is in place, in order to:

- ensure implementation of the DEA/DCA;
- manage issues related to the partnership in serving Aboriginal children.

The Parties will ensure that terms of reference are in place for the JAC/JMC to address issues in relation to policy, including policy development, monitoring and reporting, Ministry support, financial arrangements and conflict resolution. The JAC/JMC may:

- establish a conflict resolution process or make recommendations regarding a conflict which may arise in respect to the interpretation, administration, application and implementation of the agreement;
- respond to recommendations regarding program evaluations, service audits and program and operational reviews;
- provide input into current protocols relating to service delivery, and/or make recommendations regarding any new protocols;
- respond to impacts of legislation, policy and other agreements affecting the Delegation Agreement.

STANDARD 10

Monitoring

The Agency has established a process to monitor its compliance with operational and practice standards, as well as reviews of its case practice.

Agency Activity:

The Agency recognizes that the First Nations Director of Child Welfare, and INAC, using the Common Audit Tool, will review and audit the Agency's practice and operations, at a minimum of once every three years (see *Appendix V(a): Common Review Pilot Terms of Reference* and *Appendix V(b): Compliance Review Checklist*). The Agency will agree to conduct periodic self-audits to ensure compliance with operational and practice standards.

The Agency carries out two types of monitoring activities:

- regular supervision of case practice;
- assessment at three years and six years of organizational effectiveness (assessments funded by INAC for First Nations Agencies, and the Ministry for urban Aboriginal Agencies).

STANDARD 11

Human Resources

The Agency has a comprehensive human resources policy manual which reflects Federal and/or Provincial labour laws, and has staffing plans based on demand for Voluntary services.

Agency Activity:

The Agency has a human resources policy manual that addresses the following:

Recruitment:

- recruitment and hiring practices which include:
 - an interview format;
 - screening mechanisms, including Criminal Record Check, Criminal Record Review and reference checks (including previous supervisors);
 - verification of required academic qualifications and previous work experience, including previous delegated responsibilities;
 - a letter of expectation (including probationary period) signed by both the employer and the employee prior to employment commencing.

Orientation:

- orientation to the human resources policy and any other applicable policies related to the CFCSA and AOPSI;
- orientation for new staff on the particular culture of the Agency;
- signed oath of confidentiality pertaining to client information and Agency matters (including personnel matters).

Conflict of Interest:

- policies that address potential conflict between the personal interests of the employees and the interests of the employer.

Code of Ethics:

- policies that reflect the BC Association of Social Workers Code of Ethics.

Functions and Duties of Employees:

- job descriptions;
- reporting relationship as outlined in the CFCSA, standards, and other Agency policies;
- dual accountability to the Agency and First Nations Director of Child Welfare;
- hours of work, including after hours coverage.

Labour Relations:

- probation and annual performance reviews;
- harassment policy, including sexual harassment;
- grievance procedures;
- progressive discipline and corrective action;
- workplace health and safety;
- workplace violence;
- internal conflict resolution process for Agency staff and management;
- termination (including failure to comply with CFCSA and other relevant legislation).

Employee Benefits:

- compensation and benefits, including employee overtime, leave and vacation;
- Employee Assistance Program;
- cultural considerations and responsibilities that impact the employee benefits package (e.g., special holidays, bereavement leave).

Administration:

- policies regarding personnel files which include provisions for confidentiality and security of employee files;
- policy pertaining to access to files and changes to files;
- the inclusion of the employee's annual training plan on file.

Training:

- plans for employee training consistent with the level of delegation of authority required;
- ongoing professional development to maintain and enhance current practice.

Protection from Liability:

- the Agency has a plan to ensure that its social workers possess a combination of the requisite practice skills, educational background, and relevant training within the context of culture and the Aboriginal community;
- the Agency has WorkSafe BC coverage;
- the Agency has ensured staff have appropriate ICBC coverage;
- the Agency agrees to develop long-term plans for staffing based on a projected demand for services;
- staff cannot be reprimanded by the Agency if they were carrying out their legislated duties in a manner consistent with the CFCSA.

Note: Under section 101 of the CFCSA *"No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of a) a power, duty, or function conferred by or under this Act, or b) a power,*

duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred by or under this Act.”

Critical Incident Support:

- this process could entail meeting with the Employee Assistance Program or a supervisor or other delegated staff person in the Agency who has not been directly involved in the incident, but who has some understanding of the situation and could support the worker.

Review Mechanism:

- a plan to review the human resources policy as the Agency obtains each new level of delegation and/or when there are legislative changes impacting human resources;
- the Agency considers changes to its staffing structure if the anticipated demand for service is significantly different than at present. For example, a significant drop in demand for service could mean the amalgamation of job responsibilities, and a significant increase could mean a different configuration of staffing, such as the use of teams and volunteers. Refer to Appendix IV “*Volunteer Screening Requirements*”. The Agency will inform community advisors/Elders committees and/or Chief and Council as appropriate (e.g., annual general meetings or special community meetings).

STANDARD 12

Competency

Social workers with Voluntary Services delegation possess the requisite practice skills, educational background, personal suitability, and training relevant to working in First Nations communities, which qualifies them to:

- assess child development, understand family functioning;
- recognize family strengths and assess family needs;
- identify and understand sources of stress for children and families;
- recognize the indicators of abuse and neglect;
- be knowledgeable about the duty to report child protection concerns to a fully delegated child protection social worker;
- help families identify their strengths and coping mechanisms to meet the goals the family has defined. To work with families to plan and implement strategies to assist families to resolve issues;
- participate in a child protection investigation with a fully delegated child protection social worker, or protocol investigation in a resource, as specified in the Agency's protocol with the Ministry (see Operational Standard 18).

Agency Activity:

1. The Agency has selected its social workers in a manner that is consistent with the Agency's program philosophy, its service delivery model, the needs of the community, and the administrative and financial support available to the program.
2. In keeping with a competency-based model of recruitment which has been approved by the First Nations Director of Child Welfare, social workers who are eligible for Voluntary Services delegation have become qualified by meeting one of the following criteria:
 - a Master of Social Work or a Masters degree in a related human services field, plus delegation training; or
 - a Bachelor of Social Work (BSW) degree, plus basic training; or
 - a Bachelor of Arts degree or a degree in a related human services field, plus delegation training; or
 - a recognized two year diploma in the human services field, plus 3 years of experience in child and family services and delegation training.

Exceptions to the above criteria for receiving Voluntary Services delegation are based on the competence of individual candidates. In the case of exceptions, the Agency either: a) ensures the agreed to the Agency's definition of "competence," which is used to determine exceptions; or b) discusses the exception with the First Nations Director of Child Welfare prior to hiring the excepted candidate.

3. The Agency has a standard with respect to the maximum proportion of staff without university degrees who may be employed as social workers. Under no circumstances should more than 25% of Agency social workers be without a university degree.

4. The Agency considers workload and the relative strength of the supervisor's credentials, including supervisory experience, when assigning duties to a social worker (i.e., the relative strength of the social worker to the relative strength of the supervisor).
5. All Agency social workers who possess either a bachelor or master degree, but who lack experience in the provision of family and children's services, are to receive delegation training.
6. Casework supervision and program management is only to be carried out by social workers who meet the following requirements:
 - a minimum of 2 – 5 years direct experience in child and family services, including child protection;
 - a Master of Social Work or a degree in a related human services field, plus supervisory training; or
 - a Bachelor of Social Work (BSW) degree, plus supervisory training; or
 - a Bachelor of Arts degree or a degree in a related human services field, plus supervisory training and five years of direct experience in child and family services.
7. Agency social worker training and development activities include not only the basic values and principles of social work practice, but also knowledge of the interaction between children and their community.
8. Agency social workers must be:
 - knowledgeable about the service needs of neglected, abused and exploited children, and also aware of the principles of child development and family functioning;
 - culturally sensitive to the people they serve;
 - able to collaborate with colleagues who work in other disciplines or services.
9. The Agency ensures all child and family service personnel are trained regarding the laws pertaining to the mandated reporting of suspected child abuse and neglect, including the boundaries and appropriate responsibilities of both the Agency and the Ministry.

STANDARD 13

Supervision

The Agency has a supervision and case consultation process which is based on and supports the Agency's service delivery model.

Agency Activity:

Supervisory staff who are employed by the Agency have the following responsibilities:

- assign case responsibility to delegated social workers who are accountable to their supervisor;
- ensure that service delivery is performed according to and within legislation; the Agency mission statement, AOPSI, Agency policy and procedural directions, and the Agency service model;
- conduct annual social worker performance evaluations;
- address personnel issues as they arise;
- ensure training and support is available for social workers.

The Agency has a case supervision model which enables the Agency to ensure that there are clearly defined roles for the supervisor and the Executive Director/Program Director of the Agency.

As a guideline, the Agency will attempt to ensure that there will be one full-time equivalent supervisor for every six social workers. The guidelines for supervisory workload are appropriately modified for:

- total Agency caseload size;
- the number of non-delegated workers;
- the level of experience of Agency social workers;
- the geographic distribution of cases;
- the size of teams;
- other relevant factors.

STANDARD 14

Training

The Agency provides opportunities for professional development and training appropriate to the level of delegation of the worker; such training will enable social workers and supervisors to carry out their responsibilities more effectively within the framework of the service delivery model used by the Agency.

Agency Activity:

The Agency has an individualized staff development program that:

- provides social workers with an opportunity to complete Aboriginal social worker training as soon as training is available, so that they may receive delegation;
- provides staff with an overview of the *Child, Family and Community Service Act*;
- ensures ongoing staff development;
- allows for the provision of other training as required from time to time (e.g., as required by legislation);
- provides staff training on the process for responding to critical incidents involving staff – this includes procedures for immediate reporting (e.g., within four days), immediate debriefing, and a two-week follow-up debriefing;
- provides staff training on the process to notify the First Nations Director of Child Welfare of incidents which are Reportable Circumstances.

Refer to Appendix III “*Training*”.

STANDARD 15

Communications Plan

The Agency has a communications plan that helps the Agency inform and stay accountable to the community and funding organizations. The communications plan of the Agency includes consultation and protocols with ancillary service agencies.

Agency Activity:

The Agency will ensure the following items are addressed:

- a community education plan is developed when implementing a new service or program;
- an annual public reporting process is in place (e.g., annual reports, newsletter);
- regular statistical reporting of Agency activities to funding sources in accordance with funding arrangements;
- a process for ongoing community input into Agency service planning and delivery (e.g., Elders committees, advisory committees);
- workplans that reflect the changing needs of the client group and the requirements for service.

The Agency develops and implements a communications plan that provides information about the Voluntary Services role of the Agency. This information is provided to:

- Chief and Council;
- the school(s) and the area school district;
- medical personnel in the area (e.g., hospitals, clinics, nursing stations);
- RCMP and area police detachment(s);
- other human service agencies in the area (e.g., the Ministry, day cares).

The Agency also advises the community of the protocol agreements with the Ministry and ancillary organizations – this includes notifying the community of duty to report.

STANDARD 16

Client Complaint Process and Conflict Resolution

The Agency has established a process to address, track and report out on complaints related to service provision.

Agency Activity:

As per section 93(3) of the *Child, Family and Community Service Act*, the Agency has a process, and policy that may include protocol for the review of complaints. Families, children, community members and staff must be made aware of the complaint process of the Agency. The process will be reviewed annually and needs to clearly outline what types of issues a complaint can be made about, and also needs to include a conflict resolution process.

At a minimum the Agency process must ensure that, once a complaint has been received:

- a call-back to the individual about their initial concern will occur within two days;
- the complaint will be reviewed within 30 calendar days unless this timeline is extended through mutual consent; and
- the outcome of the review will be provided in writing to the person who made a complaint, and to the First Nations Director within 60 days.

The Agency identifies and orients a designated person (e.g., a member of the Board of Directors of the Agency, an Elder or Band member) to ensure that the complaint process is followed, tracked and recorded (both the complaint and outcome are to be documented).

Information from the complaints process must be tracked and recorded to ensure the timely reporting out on complaints. The Agency will report out on complaints, at a minimum, on a quarterly basis to the following:

- the First Nations Director of Child Welfare;
- the Agency board;
- other parties as needed.

The minimum information to be tracked and recorded may include the following:

- number of complaints by type (policy/practice issue);
- number of complaints by service area;
- number of complainants who identify as non-Aboriginal;
- number of complaints by complainant type (e.g., client, family, advocate);
- number of complaints resolved;
- client satisfaction with process.

The Agency complaints process will include an external review process whereby a complainant who disagrees with the Agency finding, is informed of the right to and may ask for further review by one of the following, according to program area involved:

- the First Nations Director of Child Welfare;
- the Representative for Children and Youth;
- the Office of the Ombudsman.

The process used by the Agency to respond to complaints associated with the rights of children in care must be child-centred, fair, open, accountable, accessible, timely, safe, provide for advocacy and support, and be responsive to each community, as follows:

Child-centred: Where a child is the primary client receiving service, the best interests of the child shall guide the complaints process. The process itself will accommodate and be sensitive to the age, capacity and developmental level of the child;

Entitlement: Persons affected by Agency decisions and policies have a right to make a complaint and to expect that there is an equitable and effective system to hear and resolve their complaint;

Accountability: The complaints process is an integral part of overall quality assurance. The Agency has a significant responsibility to protect and support children and families. From a professional and ethical point of view, the Agency accepts and recognizes the need for, and the benefit of, accountability to the individual and to the public;

Fairness: Staff in all disciplines should be trained to incorporate the concept of administrative fairness and due process, and to assist clients in the process of initiating and following through on complaints when requested;

Openness: Staff should be able to recognize the need to re-examine significant decisions and to undertake a review if concerns are expressed. The complaints process must be sensitive to the rights of the social worker whose work may be under review and involve the Program Director/Executive Director if a significant decision is to be changed;

Accessibility and Information: The complaints process must not present any administrative or systemic barriers. Information describing the complaints process, how to access it and the name of the person responsible in each Agency must be widely available;

Right to Advocacy and Support: Complainants have the right to be accompanied at all stages in the complaints process by an advocate or support person. Advocacy is recognized and supported as a means to assist individuals and to lead the process towards enhanced communication and informal resolution;

Safety: Recipients of services have a right to complain. As per section 101.1 of the CFCSA, the Agency will ensure that no reprisal will occur as a result of a review requested under section 93(3).

Timeliness: All complaints will be dealt with in an expedient manner, and should not exceed 30 days from the time the complaint is made to its resolution. The complaints process must accommodate the child's sense of time/stage of development;

Responsive to the Aboriginal Community: The complaints process must be sensitive and respectful of the Aboriginal culture and heritage of those receiving service.

STANDARD 17

Protocol between the Ministry and the Agency

The Agency has a signed protocol with the Ministry that specifies the Voluntary Services authority and the process which the Agency uses to interact with the Ministry in the planning, provision and co-ordination of services.

Agency Activity:

The protocol document between the Agency and the Ministry includes, but is not limited to, the following components:

- a goal statement that promotes the building of a relationship between the Ministry and the Agency that promotes the safety, health and well-being of children;
- a statement which clarifies the roles of the Agency and Ministry staff for after hours coverage;
- a statement which commits both the Agency and the Ministry to establishing regular meetings, the subject of which will be the management of issues arising from the implementation of the protocol and the review of the protocol document itself;
- a statement that the Agency and the community play key roles in ensuring the safety of children, as indicated in the DEA/DCA of the Agency;
- a statement that the First Nations Director of Child Welfare has ultimate responsibility for child protection in the Province of British Columbia;
- a clear statement that there is a legal responsibility for all people to report any suspected incident of child abuse or neglect by making a report to a fully delegated child protection social worker;
- statements regarding the sharing and disclosure of information. These statements are based on the legislative requirements of the *Child, Family and Community Service Act*, the *Freedom of Information and Protection of Privacy Act*, and other relevant legislation which pertains to information management;
- a statement regarding the differing roles of the Agency and the Ministry in the planning, delivery and monitoring of services which are to be provided under Voluntary Services delegation, including the roles regarding file transfers;
- statements describing the role of the Agency in case co-management with the Ministry (e.g., if a family is receiving both Ministry child protection and Agency-delivered voluntary services). Such statements describe:
 - the relationship between the Agency and the Ministry;
 - the roles of the Agency social worker and the Ministry social worker;
 - procedures for the co-ordination of service between workers;
 - the process for the assignment of case management responsibility.

These statements apply in instances where support services are being offered to a family but the Agency social worker does not have full delegation under the *Child, Family and Community Service Act* and a co-signing of the service agreement with a fully delegated worker is required.

The protocol should also address the need to develop a written agreement in each individual case involving case co-management. There also exists a provision for the development of a written agreement which describes the roles and responsibilities of both the Agency social worker and the Ministry social worker as each case requiring joint involvement arises.

- a statement which describes the need to jointly share information between the Agency and the Ministry to ensure that all of the child's needs are met;
- a dispute resolution process for matters of concern between the Ministry and the Agency;
- a file transfer process between the Ministry and Agency, including a case by case review to assess the Agency's capacity to provide services;
- the signatures on the document of those with signing authority, including the senior management of both the Agency (e.g., Executive Director/Program Director) and the Ministry (e.g., Regional Executive Director), and those with supervisory responsibility for the staff who will implement the protocol.

STANDARD 18

Protocol with Ancillary Agencies

The Agency has signed protocols with ancillary agencies.

Agency Activity:

The Agency has established protocols with local police, school district, and hospital or health unit, and with other ancillary agencies, appropriate to the level of delegation.

The components of such protocols include:

- a goal statement that promotes building a relationship between the Agency and the ancillary agency which promotes the safety and well-being of children;
- a statement which commits both the Agency and the ancillary agency to establishing regular meetings, the subject of which will be the management of issues arising from the implementation of the protocol and the review of the protocol document;
- a clear statement that there is a legal responsibility for all people to report any suspected incident of child abuse or neglect by reporting to a fully delegated child protection social worker;
- statements regarding the sharing and disclosure of information between the Agency and the ancillary agency. These statements are based on the legislative requirements of the *Child, Family and Community Service Act*, the *Freedom of Information and Protection of Privacy Act*, and other relevant legislation which pertains to information management;
- a dispute resolution process for matters of concern between the Agency and the ancillary agency;
- the signatures on the document of those with signing authority, including the senior management of both the Agency (e.g., Executive Director/Program Director or his or her delegate) and the senior manager or delegate of the ancillary agency.

Note: This assumes ancillary agencies are willing and able to enter into protocols with the Agency. In the event a protocol cannot be signed, the Agency documents its attempts to do so.

STANDARD 19

Protocol with the Representative for Children and Youth

The Agency has a policy or signed protocol with the Representative for Children and Youth in regards to the sharing of information.

Agency Activity:

The protocol document with the Representative for Children and Youth contains provisions on how the Agency and the Representative will implement section 6 of the *Representative for Children and Youth Act* (2006) which allows the Representative to:

- support, assist, inform and advise children and their families respecting designated services, which activities include, without limitation:
 - monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions;
 - review, investigate and report on the critical injuries and deaths of children as set out in Part 4 of the *Representative for Children and Youth Act* (2006); and
 - perform any other prescribed functions.

Guardianship Operational Standards



Table of Contents

Introduction	53
Standard 1: Governance	54
Standard 2: Guardianship Service Delivery Model	56
Standard 3: Service Provider Recruitment and Retention	57
Standard 4: Client Confidentiality and Information Sharing	58
Standard 5: Management Information System	59
Standard 6: Caseload Guidelines	60
Standard 7: Contracted Services	61
Standard 8: Financial Resources	62
Standard 9: Joint Advisory/Management Committee	63
Standard 10: Monitoring	64
Standard 11: Human Resources	65
Standard 12: Competency	68
Standard 13: Supervision	70
Standard 14: Training	71
Standard 15: Communications Plan	72
Standard 16: Client Complaint Process and Conflict Resolution	73
Standard 17: Protocol between the Ministry and Agency	76
Standard 18: Protocol with Ancillary Agencies	78
Standard 19: Protocol with the Representative for Children and Youth	79
Standard 20: Legal Counsel	80

Introduction

The area of service unique to this level of delegation is the guardianship of children in continuing custody: this is in addition to the services delivered under Voluntary Services delegation which refers to children in care by voluntary agreement. At both Voluntary and Guardianship delegation, the social worker works collaboratively with the Ministry on the plan of care for a child under temporary court-ordered care.

The areas of responsibility under Guardianship delegation pertain to children in Continuing Custody which is in addition to Voluntary Services, and include:

- *Child, Family and Community Service Act* Part 3, Division 5, Continuing Custody Hearings and Orders;
- *Child, Family and Community Service Act* Part 3, Division 6, Related Orders regarding access to a child in continuing custody of the First Nations Director of Child Welfare, and enforcement of a custody order;
- *Child, Family and Community Service Act* Part 3, Division 7, Procedure and Evidence;
- *Child, Family and Community Service Act* Part 4, Child Protection Hearings and Orders;
- *Child, Family and Community Service Act* Part 5, Continuing Custody Hearings and Orders.

These operational standards are the minimum expectations of performance for the Agency.

STANDARD 1

Governance

The Agency has a governance model that delineates the Agency authority, legal status, accountability, conflict of interest and the roles of key parties.

In the context of an Agency, governance refers to the following activities:

- setting Agency vision and establishing a strategic plan;
- establishing overall policy direction congruent with CFCSA and AOPSI for the operation of the Agency;
- hiring of the Executive Director/Program Director who has a background and experience in child welfare;
- ongoing relations with the First Nations governing body or Aboriginal community.

The governance structure for each Agency will vary with each community. The governing body is excluded from making decisions regarding day-to-day operational management or specific child welfare cases.

Agency Activity:

The Agency governance model will address the following:

- **Authority:** The Agency has obtained a Band Council Resolution indicating the support of the community for the planning process to provide child welfare services under a Government, Band, Tribal Council, or non-profit society incorporated under the *Society Act*. In the case of an urban Agency, they have obtained the support of the Aboriginal stakeholders in the community;
- **Legal Status:** The Agency has negotiated a Delegation Enabling Agreement/ Delegation Confirmation Agreement (DEA/DCA) with the First Nations Director of Child Welfare and the First Nations governing body or Aboriginal stakeholders representing the community, as per section 92 of the *Child, Family and Community Services Act*. In the case of a First Nations Agency, the DEA is a tripartite document that includes Indian and Northern Affairs Canada (INAC), in which case a Joint Advisory/Management Committee is established;
- **Insurance:** Once the DEA/DCA is signed, the Agency will contact the Ministry (Aboriginal Regional Support Services Team) to ensure it has liability insurance through the Master Insurance Plan, for all employees, Board members, committee members and contracted service providers. The Agency will also ensure it has appropriate WorkSafe BC and ICBC coverage, and fire/theft/liability insurance for Agency premises;
- **Accountability of Community, Chief and Council:** The Agency has a governance model that reflects and reinforces the commitment of the First Nations governing body or Aboriginal community to developing a child and family service Agency. The Agency will provide services that both meet the needs of the children and families, and reflect traditional values;

- **Dual Accountability:** The Agency has policies that address the dual accountabilities of the delegated staff of the Agency to both their employer and to the First Nations Director of Child Welfare, and will ensure that the CFCSA applies to the Agency and its delegated staff;
- **Agency Integrity:** The Agency will adhere to the BC Association of Social Workers Code of Ethics and may choose to establish additional ethical standards. The Agency will also conduct Criminal Record Reviews on all new Board members and every two years on continuing Board members to ensure the integrity of its Board of Directors, or comparable governing body;
- **Agency Autonomy:** The Agency has a policy and/or protocol with the Band/Tribal Council/Nation to ensure the autonomy of child and family services with respect to:
 - service planning;
 - Agency budget;
 - the delivery of all prevention, support, protection and intervention services;
 - confidentiality of case files;
 - case management;
 - staffing.
- **Conflict of Interest:** The Agency has policies to ensure that Board members, staff and contractors do not have, or give the appearance of, any conflict of interest and do not use their relationship with the Agency for personal gain, or to impact case management decisions.

STANDARD 2

Guardianship Service Delivery Model

Under Guardianship the Agency provides services to children in the Continuing Custody of the First Nations Director of Child Welfare.

Agency Activity:

The Agency will continue to provide a range of services needed to offer the following:

- Support Service Agreements (e.g., respite care);
- Prevention/Support/Ancillary Services;
- Voluntary Care Agreements (e.g., temporary non-protective care);
- Special Needs Agreements;
- Residential Resources for children and youth.

At the Guardianship level of delegation, the Agency will also have:

- a budget for meeting Guardianship responsibilities;
- a maintenance payment system in place;
- a mechanism to have payment information recorded on children's files;
- staff at the appropriate level of delegation to provide Guardianship service;
- youth agreements and agreements with young adults;
- a process for on-call responses to after hours services for children in care and caregivers.

STANDARD 3

Service Provider Recruitment and Retention

The Agency has a strategy for the ongoing recruitment and retention of family care homes and staffed residential resources.

Agency Activity:

The Agency has a plan for the recruitment of residential services, including a process for their approval and retention. This plan ensures that the Agency has a sufficient number of diverse placement options available. This will allow for:

- appropriate matching of all children and youth with family care homes and staffed residential resources;
- stability and continuity of placements for children and youth in care;
- orientation and training of caregivers to care for children;
- adequate respite for caregivers to allow for continuity of care for children and youth in care.

Refer to Appendix II *“Factors to Consider in the Recruitment and Retention of Residential Resources”*.

STANDARD 4

Client Confidentiality and Information Sharing

The Agency has policy and procedures to address the sharing of information in the course of fulfilling its authority delegated under Guardianship Services of the Delegation Matrix. These include:

- exceptions to rights of access to information;
- disclosure of information with consent;
- disclosure of information without consent;
- accuracy, protection and retention of information.

Agency Activity:

The Agency must have a policy regarding client confidentiality and information sharing. This policy must:

- comply with Part 5 of the *Child, Family and Community Service Act*;
- identify a process for the release of information – to whom, and for what purpose – that is consistent with applicable Federal and Provincial legislation;
- where applicable, ensure informed/signed consent of the parties (i.e., client and Agency) to the release of information;
- ensure security of client files (i.e., paper and electronic);
- address access to and storage of restricted files (see Operational Criteria, Standard 7: Readiness);
- address the retention and disposal of files, taking into account the applicable legislation;
- address confidentiality with third-party contractors;
- protect client confidentiality when research projects are being carried out.

STANDARD 5

Management Information System

The Agency will maintain up-to-date client information in the Ministry's Management Information System (MIS).

Agency Activity:

The Agency will utilize MIS to enter, update and retrieve information. The Agency will designate a staff member as the primary security contact and another staff member as an alternate security contact for MIS. The Agency will be responsible for developing policy that outlines the roles and responsibilities of the security contact people. This policy will also outline the process for completing Security Access Request forms.

Note: For those Agencies that already have a case management system, a gateway system will be developed.

The Agency has a policy for data entry and retrieval by Team Assistants that includes roles, responsibilities, and reporting relationship to the delegated worker responsible for the information.

STANDARD 6

Caseload Guidelines

The Agency has caseload guidelines with respect to the provision of services under Guardianship services delegation.

Note: This standard has been included at the request of the FNFCS agencies. The First Nations Director of Child Welfare regards these as guidelines rather than standards.

Agency Activity:

The Agency will have caseload guidelines that address the maximum number of cases for a worker. These maximums will be weighted for:

- severity of risk – parental capacity or incapacity;
- severity and complexity of the needs of the child;
- geography, need for travel, remoteness and accessibility;
- politically contentious cases.

As a guideline, with primary consideration given to the above-noted criteria, the Agency social worker caseload size should not exceed:

- 20 files at any one time.

The guidelines will also provide direction to govern the transfer of files to another social worker and include conflict of interest guidelines for the assignment of cases.

The Agency must consider a number of factors in the development of caseload guidelines, including:

- the unique stress of being a worker from the local community, which requires special support;
- the needs of the child, the community's needs, the duration and intensity of service required, the geographic location of the child, and the service delivery model chosen by the Agency;
- the size of teams (when the service is team-delivered);
- the need for extra attention in cases where there is active suicidal, homicidal, or assaultive behaviour; failure-to-thrive or severe neglect; or increased degree of risk of harm to children, families, or the community;
- the need for a balance among cases in different stages of the case management process (e.g., engagement, active, termination);
- the need for a balance among families presenting different levels of need.

STANDARD 7

Contracted Services

When the Agency engages a contracted service provider, the Agency has policies and procedures that ensure the service provider is aware of and complies with all of the obligations of the contract.

Agency Activity:

Before an Agency enters into a contractual service arrangement with a service provider, the Agency will ensure:

- that the contracted service provider or agency which is to provide the service employs individuals who have the necessary qualifications and have a Criminal Record Check and Criminal Record Review that do not compromise the safety and well-being of children;
- that the scope of service to be provided is specified in the contract;
- that the performance of the service provider will be monitored by the Agency in order to ensure accountability of the service provider and enable the Agency to evaluate the effectiveness of the service being delivered.

All contracted service provision arrangements are to be standardized and reviewed by the Agency and legal counsel. This will ensure that all contracts:

- meet the legal requirements of the *Child, Family and Community Service Act* regarding information sharing and confidentiality;
- have included a provision that the required insurance is in place, including, but not limited to, the Master Insurance Program and WorkSafe BC coverage.

STANDARD 8

Financial Resources

The Agency has sufficient resources to deliver the services required to carry out Guardianship delegated responsibilities.

Agency Activity:

In order to be operational, the Agency will receive sufficient funds to carry out its responsibilities as defined in the Delegation Matrix. The operational funding and funding for child maintenance costs will come from INAC, for eligible Federally funded children. The Agency will also negotiate with the Ministry for Provincially funded children, and contracted services where applicable.

The Agency will ensure:

- that the budget for child and family services will be autonomous from the budget of the First Nations governing body, and/or from the rest of the Society's budget if it also covers non-child welfare services. This is intended to ensure that no part of the budget, including temporary surplus funds, becomes allocated to non-child welfare expenditures;
- that the person responsible for managing child and family service programs controls the administration of the entire child welfare budget. This applies to Agencies which are either in a planning or operational stage;
- that its financial recording, reporting and internal control systems are in compliance with generally accepted accounting principles and include:
 - signing and spending authorization;
 - expenditure controls;
 - separate budgets for each program area and accounting code;
 - links with budget planning and (re)allocations with service needs, as determined by the governing body of the Agency and community input. This covers both statutory and non-statutory services;
 - budgetary provision for annual financial audits;
 - guidelines for the use of “surplus” funds which ensure that these funds are used for child and family service purposes.

STANDARD 9

Joint Advisory/Management Committee

A Joint Advisory/Management Committee is in place to ensure implementation of the Delegation Enabling/Confirmation Agreement.

Agency Activity:

The Parties will ensure that the Joint Advisory/Management Committee (JAC/JMC) referenced in the Delegation Enabling Agreement/Delegation Confirmation Agreement (DEA/DCA) is in place, in order to:

- ensure implementation of the DEA/DCA;
- manage issues related to the partnership in serving Aboriginal children.

The Parties will ensure that terms of reference are in place for the JAC/JMC to address issues in relation to policy, including policy development, monitoring and reporting, Ministry support, financial arrangements and conflict resolution. The JAC/JMC may:

- establish a conflict resolution process or make recommendations regarding a conflict which may arise in respect to the interpretation, administration, application and implementation of the agreement;
- respond to recommendations regarding program evaluations, service audits and program and operational reviews;
- provide input into current protocols relating to service delivery, and/or make recommendations regarding any new protocols;
- respond to impacts of legislation, policy and other agreements affecting the Delegation Agreement.

STANDARD 10

Monitoring

The Agency has established a process to monitor its compliance with operational and practice standards, as well as reviews of its case practice.

Agency Activity:

The Agency recognizes that the First Nations Director of Child Welfare, and INAC, using the Common Audit Tool, will review and audit the Agency's practice and operations, at a minimum of once every three years (see *Appendix V(a): Common Review Pilot Terms of Reference* and *Appendix V(b): Compliance Review Checklist*). The Agency will agree to conduct periodic self-audits to ensure compliance with operational and practice standards.

The Agency carries out two types of monitoring activities:

- regular supervision of case practice;
- assessment at three years and six years of organizational effectiveness (assessments funded by INAC for First Nations Agencies, and the Ministry for urban Aboriginal Agencies).

STANDARD 11

Human Resources

The Agency has a comprehensive human resources policy manual which reflects Federal and/or Provincial labour laws, and has staffing plans based on demand for Guardianship services.

Agency Activity:

The Agency has a human resources policy manual that addresses the following:

Recruitment:

- recruitment and hiring practices which include:
 - an interview format;
 - screening mechanisms, including Criminal Record Check, Criminal Record Review and reference checks (including previous supervisors);
 - verification of required academic qualifications and previous work experience, including previous delegated responsibilities;
 - a letter of expectation (including probationary period) signed by both the employer and the employee prior to employment commencing.

Orientation:

- orientation to the human resources policy and any other applicable policies related to the CFCSA and AOPSI;
- orientation for new staff on the particular culture of the Agency;
- signed oath of confidentiality pertaining to client information and Agency matters (including personnel matters).

Conflict of Interest:

- policies that address potential conflict between the personal interests of the employees and the interests of the employer.

Code of Ethics:

- policies that reflect the BC Association of Social Workers Code of Ethics.

Functions and Duties of Employees:

- job descriptions;
- reporting relationship as outlined in the CFCSA, standards, and other Agency policies;
- dual accountability to the Agency and First Nations Director of Child Welfare;
- hours of work, including after hours coverage.

Labour Relations:

- probation and annual performance reviews;
- harassment policy, including sexual harassment;
- grievance procedures;
- progressive discipline and corrective action;
- workplace health and safety;
- workplace violence;
- internal conflict resolution process for Agency staff and management;
- termination (including failure to comply with CFCSA and other relevant legislation).

Employee Benefits:

- compensation and benefits, including employee overtime, leave and vacation;
- Employee Assistance Program;
- cultural considerations and responsibilities that impact the employee benefits package (e.g., special holidays, bereavement leave).

Administration:

- policies regarding personnel files which include provisions for confidentiality and security of employee files;
- policy pertaining to access to files and changes to files;
- the inclusion of the employee's annual training plan on file.

Training:

- plans for employee training consistent with the level of delegation of authority required;
- ongoing professional development to maintain and enhance current practice.

Protection from Liability:

- the Agency has a plan to ensure that its social workers possess a combination of the requisite practice skills, educational background, and relevant training within the context of culture and the Aboriginal community;
- the Agency has WorkSafe BC coverage;
- the Agency has ensured staff have appropriate ICBC coverage;
- the Agency agrees to develop long-term plans for staffing based on a projected demand for services;
- staff cannot be reprimanded by the Agency if they were carrying out their legislated duties in a manner consistent with the CFCSA.

Note: Under section 101 of the CFCSA *"No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of a) a power, duty, or function conferred by or under this Act, or b) a power,*

duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred by or under this Act.”

Critical Incident Support:

- this process could entail meeting with Employee Assistance Program or a supervisor or other delegated staff person in the Agency who has not been directly involved in the incident, but who has some understanding of the situation and could support the worker.

Review Mechanism:

- a plan to review the human resources policy as the Agency obtains each new level of delegation and/or when there are legislative changes impacting human resources;
- the Agency considers changes to its staffing structure if the anticipated demand for service is significantly different than at present. For example, a significant drop in demand for service could mean the amalgamation of job responsibilities, and a significant increase could mean a different configuration of staffing, such as the use of teams and volunteers. Refer to Appendix IV “*Volunteer Screening Requirements*”. The Agency will inform community advisors/Elders committees and/or Chief and Council as appropriate (e.g., annual general meetings or special community meetings).

STANDARD 12

Competency

The Agency provides initial and ongoing training and consultation to equip social workers and supervisors to carry out their guardianship responsibilities effectively within the framework of the service delivery model used by the Agency.

Agency Activity:

The Agency provides a staff development program that, in addition to the training given for Guardianship responsibilities, covers:

- the rights of children in care, as per section 70 of the *Child, Family and Community Service Act*;
- the effects of a continuing custody order (i.e., permanent planning options, including adoption);
- the role of the Public Trustee;
- access to a child in continuing custody;
- the responsibilities for a child coming into care under the *Family Relations Act* (e.g., both parents die);
- knowledge of the *Child, Youth and Family Advocate Act*, the *Children's Commission Act*, the *Young Offenders Act*, and the *Infants Act*;
- knowledge of the roles of the Child, Youth and Family Advocate, of the Children's Commissioner, and of youth probation officers.

In keeping with a competency-based model of recruitment which has been approved by the Director of Child and Family Services, social workers who are eligible for Guardianship delegation have become qualified by meeting one of the following criteria:

- a Master degree in a related human services field, plus basic training; or
- a Bachelor of Social Work (BSW) degree, plus basic training; or
- a Bachelor degree in a related human services field, plus basic training, or
- a recognized diploma in the human services field, plus 3 years experience in child and family services.

Exceptions to the above criteria for receiving Guardianship delegation are based on the competence of individual candidates.

In the case of exceptions, the Agency either:

- a) ensures the Director has agreed to the Agency's definition of "competence," which is used to determine exceptions: or
- b) discusses the exception with the Director prior to hiring the excepted candidate.

The Agency has a standard with respect to the maximum without university degrees who may be employed as social workers. Under no circumstances should more than 25% of Agency social workers be without a university degree.

In addition to having the appropriate educational background, experience and participation in training, social workers must successfully complete a delegation test.

The Agency considers workload and the relative strength of the supervisor's credentials, including supervisory experience, when assigning duties to a social worker (i.e., the relative strength of the social worker to the relative strength of the supervisor).

Casework supervision and program management is only to be carried out by social workers who meet the following requirements:

- a minimum of 2 – 5 years direct experience in child and family services, including child protection;
- a Master of Social Work or a degree in a related human services field, plus supervisory training; or
- a Bachelor of Social Work (BSW) degree plus supervisory training; or
- a Bachelor of Arts degree or a degree in a related human services field plus supervisory training and five years of direct experience in child and family services.

STANDARD 13

Supervision

The Agency has a supervision and case consultation process which is based on and supports the Agency's service delivery model.

Agency Activity:

Supervisory staff who are employed by the Agency have the following responsibilities:

- assign case responsibility to delegated social workers who are accountable to their supervisor;
- ensure that service delivery is performed according to and within legislation; the Agency mission statement, AOPSI, Agency policy and procedural directions, and the Agency service model;
- conduct annual social worker performance evaluations;
- address personnel issues as they arise;
- ensure training and support is available for social workers.

The Agency has a case supervision model which enables the Agency to ensure that there are clearly defined roles for the supervisor and the Executive Director/Program Director of the Agency.

As a guideline, the Agency will attempt to ensure that there will be one full-time equivalent supervisor for every six social workers. The guidelines for supervisory workload are appropriately modified for:

- total Agency caseload size;
- the number of non-delegated workers;
- the level of experience of Agency social workers;
- the geographic distribution of cases;
- the size of teams;
- other relevant factors.

STANDARD 14

Training

The Agency provides opportunities for professional development and training appropriate to the level of delegation of the worker; such training will enable social workers and supervisors to carry out their responsibilities more effectively within the framework of the service delivery model used by the Agency.

Agency Activity:

The Agency has an individualized staff development program that:

- provides social workers with an opportunity to complete Aboriginal social worker training as soon as training is available, so that they may receive delegation;
- provides staff with an overview of the *Child, Family and Community Service Act*;
- ensures ongoing staff development;
- allows for the provision of other training as required from time to time (e.g., as required by legislation);
- provides staff training on the process for responding to critical incidents involving staff – this includes procedures for immediate reporting (e.g., within four days), immediate debriefing, and a two-week follow-up debriefing;
- provides staff training on the process to notify the First Nations Director of Child Welfare of incidents which are Reportable Circumstances.

Refer to Appendix III “*Training*”.

STANDARD 15

Communications Plan

The Agency has a communications plan that helps the Agency inform and stay accountable to the community and funding organizations. The communications plan of the Agency includes consultation and protocols with ancillary service agencies.

Agency Activity:

The Agency will ensure the following items are addressed:

- a community education plan is developed when implementing a new service or program;
- an annual public reporting process is in place (e.g., annual reports, newsletter);
- regular statistical reporting of Agency activities to funding sources in accordance with funding arrangements;
- a process for ongoing community input into Agency service planning and delivery (e.g., Elders committees, advisory committees);
- workplans that reflect the changing needs of the client group and the requirements for service.

The Agency develops and implements a communications plan that provides information about the Guardianship role of the Agency. This information is provided to:

- Chief and Council;
- the school(s) and the area school district;
- medical personnel in the area (e.g., hospitals, clinics, nursing stations);
- RCMP and area police detachment(s);
- other human service agencies in the area (e.g., the Ministry, day cares).

The protocols between the Agency and ancillary organizations are renewed and, as necessary, revised to reflect the Guardianship responsibilities of the Agency. The renewed protocols include the Agency's role in case management. The Agency advises the community of the (revised) protocol agreement with the Ministry – this includes notifying the community of duty to report.

STANDARD 16

Client Complaint Process and Conflict Resolution

The Agency has established a process to address, track and report out on complaints related to service provision.

Agency Activity:

As per section 93(3) of the *Child, Family and Community Service Act*, the Agency has a process, and policy that may include protocol for the review of complaints. Families, children, community members and staff must be made aware of the complaint process of the Agency. The process will be reviewed annually and needs to clearly outline what types of issues a complaint can be made about, and also needs to include a conflict resolution process.

At a minimum the Agency process must ensure that, once a complaint has been received:

- a call-back to the individual about their initial concern will occur within two days;
- the complaint will be reviewed within 30 calendar days unless this timeline is extended through mutual consent; and
- the outcome of the review will be provided in writing to the person who made a complaint, and to the First Nations Director within 60 days.

The Agency identifies and orients a designated person (e.g., a member of the Board of Directors of the Agency, an Elder or Band member) to ensure that the complaint process is followed, tracked and recorded (both the complaint and outcome are to be documented).

Information from the complaints process must be tracked and recorded to ensure the timely reporting out on complaints. The Agency will report out on complaints, at a minimum, on a quarterly basis to the following:

- the First Nations Director of Child Welfare;
- the Agency board;
- other parties as needed.

The minimum information to be tracked and recorded may include the following:

- number of complaints by type (policy/practice issue);
- number of complaints by service area;
- number of complainants who identify as non-Aboriginal;
- number of complaints by complainant type (e.g., client, family, advocate);
- number of complaints resolved;
- client satisfaction with process.

The Agency complaints process will include an external review process whereby a complainant who disagrees with the Agency finding, is informed of the right to and may ask for further review by one of the following, according to program area involved:

- the First Nations Director of Child Welfare;
- the Representative for Children and Youth;
- the Office of the Ombudsman.

The process used by the Agency to respond to complaints associated with the rights of children in care must be child-centred, fair, open, accountable, accessible, timely, safe, provide for advocacy and support, and be responsive to each community, as follows:

Child-centred: Where a child is the primary client receiving service, the best interests of the child shall guide the complaints process. The process itself will accommodate and be sensitive to the age, capacity and developmental level of the child;

Entitlement: Persons affected by Agency decisions and policies have a right to make a complaint and to expect that there is an equitable and effective system to hear and resolve their complaint;

Accountability: The complaints process is an integral part of overall quality assurance. The Agency has a significant responsibility to protect and support children and families. From a professional and ethical point of view, the Agency accepts and recognizes the need for, and the benefit of, accountability to the individual and to the public;

Fairness: Staff in all disciplines should be trained to incorporate the concept of administrative fairness and due process, and to assist clients in the process of initiating and following through on complaints when requested;

Openness: Staff should be able to recognize the need to re-examine significant decisions and to undertake a review if concerns are expressed. The complaints process must be sensitive to the rights of the social worker whose work may be under review and involve the Program Director/Executive Director if a significant decision is to be changed;

Accessibility and Information: The complaints process must not present any administrative or systemic barriers. Information describing the complaints process, how to access it and the name of the person responsible in each Agency must be widely available;

Right to Advocacy and Support: Complainants have the right to be accompanied at all stages in the complaints process by an advocate or support person. Advocacy is recognized and supported as a means to assist individuals and to lead the process towards enhanced communication and informal resolution;

Safety: Recipients of services have a right to complain. As per section 101.1 of the CFCSA, the Agency will ensure that no reprisal will occur as a result of a review requested under section 93(3).

Timeliness: All complaints will be dealt with in an expedient manner, and should not exceed 30 days from the time the complaint is made to its resolution. The complaints process must accommodate the child's sense of time/stage of development;

Responsive to the Aboriginal Community: The complaints process must be sensitive and respectful of the Aboriginal culture and heritage of those receiving service.

STANDARD 17

Protocol between the Ministry and Agency

The Agency has a signed protocol with the Ministry that specifies the Guardianship Services authority and the process which the Agency uses to interact with the Ministry in the planning, provision and co-ordination of services. For inter-provincial/territorial coordination the Agency refers to the *“Interprovincial/Territorial Protocol on Children Moving Between Provinces/Territories”* found on the intranet at: http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cfs/protocol_provincial_territorial_2006.pdf and www.gov.mb.ca/fs/childfam/pt_protocol/2006/pt_protocol-2006_intro.pdf.

Agency Activity:

The protocol document between the Agency and the Ministry includes, but is not limited to, the following components:

- a goal statement that promotes the building of a relationship between the Ministry and the Agency that promotes the safety, health and well-being of children;
- a statement which clarifies the roles of the Agency and Ministry staff for After Hours coverage;
- a statement which commits both the Agency and the Ministry to establishing regular meetings, the subject of which will be the management of issues arising from the implementation of the protocol and the review of the protocol document itself;
- a statement that the Agency and the community play key roles in ensuring the safety of children, as indicated in the DEA/DCA of the Agency;
- a statement that the First Nations Director of Child Welfare has ultimate responsibility for child protection in the Province of British Columbia;
- a clear statement that there is a legal responsibility for all people to report any suspected incident of child abuse or neglect by making a report to a fully delegated child protection social worker;
- statements regarding the sharing and disclosure of information. These statements are based on the legislative requirements of the *Child, Family and Community Service Act*, the *Freedom of Information and Protection of Privacy Act*, and other relevant legislation which pertains to information management;
- a statement regarding the differing roles of the Agency and the Ministry in the planning, delivery and monitoring of services which are to be provided under Guardianship delegation, including the roles regarding file transfers;
- statements describing the role of the Agency in case co-management with the Ministry (e.g., if a family is receiving both Ministry child protection and Agency-delivered voluntary or guardianship services). Such statements describe:
 - the relationship between the Agency and the Ministry;
 - the roles of the Agency social worker and the Ministry social worker;
 - procedures for the co-ordination of service between workers;
 - the process for the assignment of case management responsibility.

These statements apply in instances where support services are being offered to a family but the Agency social worker does not have full delegation under the *Child, Family and Community Service Act* and a co-signing of the service agreement with a fully delegated worker is required.

The protocol should also address the need to develop a written agreement in each individual case involving case co-management. There also exists a provision for the development of a written agreement which describes the roles and responsibilities of both the Agency social worker and the Ministry social worker as each case requiring joint involvement arises.

- a statement which describes the need to jointly share information between the Agency and the Ministry to ensure that all of the child's needs are met;
- a dispute resolution process for matters of concern between the Ministry and the Agency;
- a file transfer process between the Ministry and Agency, including a case by case review to assess the Agency's capacity to provide services;
- the signatures on the document of those with signing authority, including the senior management of both the Agency (e.g., Executive Director/Program Director) and the Ministry (e.g., Regional Executive Director), and those with supervisory responsibility for the staff who will implement the protocol.

STANDARD 18

Protocol with Ancillary Agencies

The Agency has signed protocols with ancillary agencies.

Agency Activity:

The Agency has established protocols with local police, school district, and hospital or health unit, and with other ancillary agencies, appropriate to the level of delegation.

The components of such protocols include:

- a goal statement that promotes building a relationship between the Agency and the ancillary agency which promotes the safety and well-being of children;
- a statement which commits both the Agency and the ancillary agency to establishing regular meetings, the subject of which will be the management of issues arising from the implementation of the protocol and the review of the protocol document;
- a clear statement that there is a legal responsibility for all people to report any suspected incident of child abuse or neglect by reporting to a fully delegated child protection social worker;
- statements regarding the sharing and disclosure of information between the Agency and the ancillary agency. These statements are based on the legislative requirements of the *Child, Family and Community Service Act*, the *Freedom of Information and Protection of Privacy Act*, and other relevant legislation which pertains to information management;
- a dispute resolution process for matters of concern between the Agency and the ancillary agency;
- the signatures on the document of those with signing authority, including the senior management of both the Agency (e.g., Executive Director/Program Director or his or her delegate) and the senior manager or delegate of the ancillary agency.

Note: This assumes ancillary agencies are willing and able to enter into protocols with the Agency. In the event a protocol cannot be signed, the Agency documents its attempts to do so.

STANDARD 19

Protocol with the Representative for Children and Youth

The Agency has a policy or signed protocol with the Representative for Children and Youth in regards to the sharing of information.

Agency Activity:

The protocol document with the Representative for Children and Youth contains provisions on how the Agency and the Representative will implement section 6 of the *Representative for Children and Youth Act* (2006) which allows the Representative to:

- support, assist, inform and advise children and their families respecting designated services, which activities include, without limitation:
 - monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions;
 - review, investigate and report on the critical injuries and deaths of children as set out in Part 4 of the *Representative for Children and Youth Act* (2006); and
 - perform any other prescribed functions.

STANDARD 20

Legal Counsel

The Agency has arrangements to obtain legal representation or counsel in all legal proceedings they conduct under the authority of the CFCSA and for children in care who face criminal charges.

Agency Activity:

The Agency makes arrangements through the First Nations Director, Aboriginal Regional Support Services Team, to facilitate contact with the Legal Services Branch of the Ministry of Attorney General to:

- provide independent legal counsel for children in care who face criminal charges;
- obtain contracted counsel, as set out under contract as per current service expectations for contracted counsel, to advise and represent delegated Agency staff in legal proceedings they conduct under the authority of the CFCSA.

Child Protection Operational Standards



Table of Contents

Introduction	83
Standard 1: Governance	84
Standard 2: Child Protection Service Delivery Model	86
Standard 2a: Capacity to Respond to Reports	88
Standard 3: Service Provider Recruitment and Retention	89
Standard 4: Client Confidentiality and Information Sharing	90
Standard 5: Management Information System	91
Standard 6: Caseload Guidelines	92
Standard 7: Contracted Services	93
Standard 8: Financial Resources	94
Standard 9: Joint Advisory/Management Committee	95
Standard 10: Monitoring	96
Standard 11: Human Resources	97
Standard 12: Competency	100
Standard 13: Supervision	102
Standard 14: Training	103
Standard 15: Communications Plan	104
Standard 16: Client Complaint Process and Conflict Resolution	105
Standard 17: Protocol between the Ministry and Agency	108
Standard 18: Protocol with Ancillary Agencies	110
Standard 19: Protocol with the Representative for Children and Youth	111
Standard 20: Legal Counsel	112

Introduction

The areas of service covered under Child Protection delegation include child protection and responsibility for children needing temporary court-ordered care. Service delivery should also be consistent with other sections of the CFCSA which are already in effect for Voluntary and Guardianship delegation.

Child Protection delegation requires that these services be delivered in a manner which is consistent with Part 3 of the *Child, Family and Community Service Act*, which deals with:

- responding to reports (s. 13 – 19);
- cooperative planning and dispute resolution (s. 20 – 24);
- how children are protected (s. 25 – 33);
- child protection hearings and orders (s. 34 – 54);
- related orders (s. 55 – 63);
- procedure and evidence (s. 64 – 69).

These operational standards are the minimum expectations of performance for the Agency.

STANDARD 1

Governance

The Agency has a governance model that delineates the Agency authority, legal status, accountability, conflict of interest and the roles of key parties.

In the context of an Agency, governance refers to the following activities:

- setting Agency vision and establishing a strategic plan;
- establishing overall policy direction congruent with CFCSA and AOPSI for the operation of the Agency;
- hiring of the Executive Director/Program Director who has a background and experience in child welfare;
- ongoing relations with the First Nations governing body or Aboriginal community.

The governance structure for each Agency will vary with each community. The governing body is excluded from making decisions regarding day-to-day operational management or specific child welfare cases.

Agency Activity:

The Agency governance model will address the following:

- **Authority:** The Agency has obtained a Band Council Resolution indicating the support of the community for the planning process to provide child welfare services under a Government, Band, Tribal Council, or non-profit society incorporated under the *Society Act*. In the case of an urban Agency, they have obtained the support of the Aboriginal stakeholders in the community;
- **Legal Status:** The Agency has negotiated a Delegation Enabling Agreement/Delegation Confirmation Agreement (DEA/DCA) with the First Nations Director of Child Welfare and the First Nations governing body or Aboriginal stakeholders representing the community, as per section 92 of the *Child, Family and Community Services Act*. In the case of a First Nations Agency, the DEA is a tripartite document that includes Indian and Northern Affairs Canada (INAC), in which case a Joint Advisory/Management Committee is established;
- **Insurance:** Once the DEA/DCA is signed, the Agency will contact the Ministry (Aboriginal Regional Support Services Team) to ensure it has liability insurance through the Master Insurance Plan, for all employees, Board members, committee members and contracted service providers. The Agency will also ensure it has appropriate WorkSafe BC and ICBC coverage, and fire/theft/liability insurance for Agency premises;
- **Accountability of Community, Chief and Council:** The Agency has a governance model that reflects and reinforces the commitment of the First Nations governing body or Aboriginal community to developing a child and family service Agency. The Agency will provide services that both meet the needs of the children and families, and reflect traditional values;

- **Dual Accountability:** The Agency has policies that address the dual accountabilities of the delegated staff of the Agency to both their employer and to the First Nations Director of Child Welfare, and will ensure that the CFCSA applies to the Agency and its delegated staff;
- **Agency Integrity:** The Agency will adhere to the BC Association of Social Workers Code of Ethics and may choose to establish additional ethical standards. The Agency will also conduct Criminal Record Reviews on all new Board members and every two years on continuing Board members to ensure the integrity of its Board of Directors, or comparable governing body;
- **Agency Autonomy:** The Agency has a policy and/or protocol with the Band/Tribal Council/Nation to ensure the autonomy of child and family services with respect to:
 - service planning;
 - Agency budget;
 - the delivery of all prevention, support, protection and intervention services;
 - confidentiality of case files;
 - case management;
 - staffing.
- **Conflict of Interest:** The Agency has policies to ensure that Board members, staff and contractors do not have, or give the appearance of, any conflict of interest and do not use their relationship with the Agency for personal gain, or to impact case management decisions.

STANDARD 2

Child Protection Service Delivery

At this level of delegation Agencies are required to provide for the care and protection of children under the age of 19 who are reported to be neglected, abused, or exploited. The agency may also provide services to the parents or others who are responsible for the care of such children. The Agency continues to provide Voluntary and Guardianship services.

Agency Activity:

The Agency will continue to provide a full range of services needed to offer the Voluntary and Guardianship services:

- Support Service Agreements (e.g., respite care);
- Prevention/Support/Ancillary Services;
- Voluntary Care Agreements;
- Special Needs Agreements;
- Residential Resources for children and youth;
- Youth agreements and agreements with young adults.

At the Child Protection level, the Agency must provide services to those children and their families where the parents or other family members are unable or unwilling to provide the level of protection which children require. In addition, the Agency will also provide out-of-care options.

The Agency serves children under 19 years of age who need protection from:

- physical abuse;
- neglect;
- sexual abuse; and/or
- emotional maltreatment.

As per section 13 of the CFCSA: a child needs protection in the following circumstances:

- a) if the child has been, or is likely to be, physically harmed by the child's parent;*
- b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;*
- c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;*
- d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;*
- e) if the child is emotionally harmed by the parent's conduct;*
- f) if the child is deprived of necessary health care;*

- g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;*
- h) if the child's parent is unable or unwilling to care for the child and has not made adequate provisions for the child's care;*
- i) if the child has been absent from home in circumstances that endanger the child's safety or well-being;*
- j) if the child's parent is dead and adequate provision has not been made for the child's care;*
- k) if the child has been abandoned and adequate provision has not been made for the child's care;*
- l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.*

For the purpose of CFCSA subsection (1) (e), a child is emotionally harmed if the child demonstrates severe:

- a) anxiety;*
- b) depression;*
- c) withdrawal; or*
- d) self-destructive or aggressive behaviour.*

The Agency conducts public information sessions and provides printed material (pamphlets, etc) to advertise to the community the availability of services and the responsibility of all citizens to report instances of suspected child abuse, neglect, or exploitation of a child (see *BC Handbook for Action on Child Abuse and Neglect*).

STANDARD 2a

Capacity to Respond to Reports

The Agency has the capacity to provide 24-hour on-call service.

Agency Activity:

The Agency maintains a well advertised 24-hour on-call service, through which it can receive reports of suspected abuse and neglect. The service includes access to a supervisor at all times. A social worker responds to a report immediately if the child appears to be in a life-threatening or dangerous situation, or responds within 5 calendar days in all other situations.

The Agency has the capacity to place children in approved resources on an emergency basis.

STANDARD 3

Service Provider Recruitment and Retention

The Agency has a strategy for the ongoing recruitment and retention of family care homes and staffed residential resources.

Agency Activity:

The Agency has a plan for the recruitment of residential services, including a process for their approval and retention. This plan ensures that the Agency has a sufficient number of diverse placement options available. This will allow for:

- appropriate matching of all children and youth with family care homes and staffed residential resources;
- stability and continuity of placements for children and youth in care;
- orientation and training of caregivers to care for children;
- adequate respite for caregivers to allow for continuity of care for children and youth in care.

Refer to Appendix II *“Factors to Consider in the Recruitment and Retention of Residential Resources”*.

STANDARD 4

Client Confidentiality and Information Sharing

The Agency has policy and procedures to address the sharing of information in the course of fulfilling its authority delegated under Child Protection of the Delegation Matrix. These include:

- exceptions to rights of access to information;
- disclosure of information with consent;
- disclosure of information without consent;
- accuracy, protection and retention of information.

Agency Activity:

The Agency must have a policy regarding client confidentiality and information sharing. This policy must:

- comply with Part 5 of the *Child, Family and Community Service Act*;
- identify a process for the release of information – to whom, and for what purpose – that is consistent with applicable Federal and Provincial legislation;
- where applicable, ensure informed/signed consent of the parties (i.e., client and Agency) to the release of information;
- ensure security of client files (i.e., paper and electronic);
- address access to and storage of restricted files (see Operational Criteria, Standard 7: Readiness);
- address the retention and disposal of files, taking into account the applicable legislation;
- address confidentiality with third-party contractors;
- protect client confidentiality when research projects are being carried out.

STANDARD 5

Management Information System

The Agency will maintain up-to-date client information in the Ministry's Management Information System (MIS).

Agency Activity:

The Agency will utilize MIS to enter, update and retrieve information. The Agency will designate a staff member as the primary security contact and another staff member as an alternate security contact for MIS. The Agency will be responsible for developing policy that outlines the roles and responsibilities of the security contact people. This policy will also outline the process for completing Security Access Request forms.

Note: For those Agencies that already have a case management system, a gateway system will be developed.

The Agency has a policy for data entry and retrieval by Team Assistants that includes roles, responsibilities, and reporting relationship to the delegated worker responsible for the information.

STANDARD 6

Caseload Guidelines

The Agency develops caseload guidelines with respect to services provided under Child Protection delegation.

Note: This standard has been included at the request of the FNFCs agencies. The First Nations Director of Child Welfare regards these as guidelines rather than standards.

Agency Activity:

The Agency will have caseload guidelines that address the maximum number of cases for a worker. These maximums will be weighted for:

- severity of risk – parental capacity or incapacity;
- severity and complexity of the needs of the child;
- geography, need for travel, remoteness and accessibility;
- politically contentious cases.

The guidelines will also provide direction to govern the transfer of files to another social worker, and include conflict of interest guidelines for the assignment of cases.

As a guideline, with primary consideration given to the above-noted criteria, the Agency social worker caseload size should not exceed:

- 20 files at any one time;
- ten cases requiring investigation at any one time;
- a proportionate mix of the above.

The Agency must consider a number of factors in the development of caseload guidelines, including:

- the unique stress of being a worker from the local community, which requires special support;
- the needs of the child, the community's needs, and the duration and intensity of service required;
- the geographic location of the child, and the service delivery model chosen by the Agency;
- the size of teams (when the service is team-delivered);
- the need for extra attention in cases where there is active suicidal, homicidal, or assaultive behaviour; failure-to-thrive or severe neglect; or increased degree of risk of harm to children, families, or the community;
- the need for a balance among cases in different stages of the case management process (e.g., engagement, active, termination);
- the need for a balance among families presenting different levels of need.

STANDARD 7

Contracted Services

When the Agency engages a contracted service provider, the Agency has policies and procedures that ensure the service provider is aware of and complies with all of the obligations of the contract.

Agency Activity:

Before an Agency enters into a contractual service arrangement with a service provider, the Agency will ensure:

- that the contracted service provider or agency which is to provide the service employs individuals who have the necessary qualifications and have a Criminal Record Check and Criminal Record Review that do not compromise the safety and well-being of children;
- that the scope of service to be provided is specified in the contract;
- that the performance of the service provider will be monitored by the Agency in order to ensure accountability of the service provider and enable the Agency to evaluate the effectiveness of the service being delivered.

All contracted service provision arrangements are to be standardized and reviewed by the Agency and Ministry legal counsel. This will ensure that all contracts:

- meet the legal requirements of the *Child, Family and Community Service Act* regarding information sharing and confidentiality;
- have included a provision that the required insurance is in place, including, but not limited to, the Master Insurance Program and WorkSafe BC coverage.

STANDARD 8

Financial Resources

The Agency will negotiate with the Ministry and INAC for sufficient resources to deliver the services required to carry out Child Protection Services delegated responsibilities.

Agency Activity:

In order to operational, the Agency will receive sufficient funds to carry out its responsibilities as defined in the Delegation Matrix. The operational funding and funding for child maintenance costs will come from INAC, for eligible Federally funded children. The Agency will also negotiate with the Ministry for Provincially funded children, and contracted services where applicable.

The Agency will ensure:

- that the budget for child and family services will be autonomous from the budget of the First Nations governing body, and/or from the rest of the Society's budget if it also covers non-child welfare services. This is intended to ensure that no part of the budget, including temporary surplus funds, becomes allocated to non-child welfare expenditures;
- that the person responsible for managing child and family service programs, controls the administration of the entire child welfare budget. This applies to Agencies which are either in a planning or operational stage;
- that its financial recording, reporting and internal control systems are in compliance with generally accepted accounting principles and include:
 - signing and spending authorization;
 - expenditure controls;
 - separate budgets for each program area and accounting code;
 - links with budget planning and (re)allocations with service needs, as determined by the governing body of the Agency and community input. This covers both statutory and non-statutory services;
 - budgetary provision for annual financial audits;
 - guidelines for the use of "surplus" funds which ensure that these funds are used for child and family service purposes.

STANDARD 9

Joint Advisory/Management Committee

A Joint Advisory/Management Committee is in place to ensure implementation of the Delegation Enabling/Confirmation Agreement.

Agency Activity:

The Parties will ensure that the Joint Advisory/Management Committee (JAC/JMC) referenced in the Delegation Enabling Agreement/Delegation Confirmation Agreement (DEA/DCA) is in place, in order to:

- ensure implementation of the DEA/DCA;
- manage issues related to the partnership in serving Aboriginal children.

The Parties will ensure that terms of reference are in place for the JAC/JMC to address issues in relation to policy, including policy development, monitoring and reporting, Ministry support, financial arrangements and conflict resolution. The JAC/JMC may:

- establish a conflict resolution process or make recommendations regarding a conflict which may arise in respect to the interpretation, administration, application and implementation of the agreement;
- respond to recommendations regarding program evaluations, service audits and program and operational reviews;
- provide input into current protocols relating to service delivery, and/or make recommendations regarding any new protocols;
- respond to impacts of legislation, policy and other agreements affecting the Delegation Agreement.

STANDARD 10

Monitoring

The Agency has established a process to monitor its compliance with operational and practice standards, as well as reviews of its case practice.

Agency Activity:

The Agency recognizes that the First Nations Director of Child Welfare, and INAC, using the Common Audit Tool, will review and audit the Agency's practice and operations, at a minimum of once every three years (see *Appendix V(a): Common Review Pilot Terms of Reference* and *Appendix V(b): Compliance Review Checklist*). The Agency will agree to conduct periodic self-audits to ensure compliance with operational and practice standards.

The Agency carries out two types of monitoring activities:

- regular supervision of case practice;
- assessment at three years and six years of organizational effectiveness (assessments funded by INAC for First Nations Agencies, and the Ministry for urban Aboriginal Agencies).

STANDARD 11

Human Resources

The Agency has a comprehensive human resources policy manual which reflects Federal and/or Provincial labour laws, and has staffing plans based on demand for Child Protection services.

Agency Activity:

The Agency has a human resources policy manual that addresses the following:

Recruitment:

- recruitment and hiring practices which include:
 - an interview format;
 - screening mechanisms, including Criminal Record Check, Criminal Record Review and reference checks (including previous supervisors);
 - verification of required academic qualifications and previous work experience, including previous delegated responsibilities;
 - a letter of expectation (including probationary period) signed by both the employer and the employee prior to employment commencing.

Orientation:

- orientation to the human resources policy and any other applicable policies related to the CFCSA and AOPSI;
- orientation for new staff on the particular culture of the Agency;
- signed oath of confidentiality pertaining to client information and Agency matters (including personnel matters).

Conflict of Interest:

- policies that address potential conflict between the personal interests of the employees and the interests of the employer.

Code of Ethics:

- policies that reflect the BC Association of Social Workers Code of Ethics.

Functions and Duties of Employees:

- job descriptions;
- reporting relationship as outlined in the CFCSA, standards, and other Agency policies;
- dual accountability to the Agency and First Nations Director of Child Welfare;
- hours of work, including after hours coverage.

Labour Relations:

- probation and annual performance reviews;
- harassment policy, including sexual harassment;
- grievance procedures;
- progressive discipline and corrective action;
- workplace health and safety;
- workplace violence;
- internal conflict resolution process for Agency staff and management;
- termination (including failure to comply with CFCSA and other relevant legislation).

Employee Benefits:

- compensation and benefits, including employee overtime, leave and vacation;
- Employee Assistance Program;
- cultural considerations and responsibilities that impact the employee benefits package (e.g., special holidays, bereavement leave).

Administration:

- policies regarding personnel files which include provisions for confidentiality and security of employee files;
- policy pertaining to access to files and changes to files;
- the inclusion of the employee's annual training plan on file.

Training:

- plans for employee training consistent with the level of delegation of authority required;
- ongoing professional development to maintain and enhance current practice.

Protection from Liability:

- the Agency has a plan to ensure that its social workers possess a combination of the requisite practice skills, educational background, and relevant training within the context of culture and the Aboriginal community;
- the Agency has WorkSafe BC coverage;
- the Agency has ensured staff have appropriate ICBC coverage;
- the Agency agrees to develop long-term plans for staffing based on a projected demand for services;
- staff cannot be reprimanded by the Agency if they were carrying out their legislated duties in a manner consistent with the CFCSA.

Note: Under section 101 of the CFCSA *"No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of a) a power, duty, or function conferred by or under this Act, or b) a power,*

duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred by or under this Act.”

Critical Incident Support:

- this process could entail meeting with Employee Assistance Program or a supervisor or other delegated staff person in the Agency who has not been directly involved in the incident, but who has some understanding of the situation and could support the worker.

Review Mechanism:

- a plan to review the human resources policy as the Agency obtains each new level of delegation and/or when there are legislative changes impacting human resources;
- the Agency considers changes to its staffing structure if the anticipated demand for service is significantly different than at present. For example, a significant drop in demand for service could mean the amalgamation of job responsibilities, and a significant increase could mean a different configuration of staffing, such as the use of teams and volunteers. Refer to Appendix IV “*Volunteer Screening Requirements*”. The Agency will inform community advisors/Elders committees and/or Chief and Council as appropriate (e.g., annual general meetings or special community meetings).

STANDARD 12

Competency

Social workers with Child Protection delegation possess the requisite practice skills, educational background, personal suitability and training relevant to the context of the culture and community which qualifies them to:

- **assess child development, understand family functioning, recognize family strengths, and assess family needs;**
- **identify and understand sources of stress for children and families;**
- **recognize the indicators of abuse and neglect;**
- **help families to identify their strengths and coping mechanisms to meet the goals which the family has defined, and to work with families to design and implement strategies to resolve family issues or crises successfully, and prevent future crises from occurring.**

Agency Activity:

The Agency has selected its social workers in a manner that is consistent with the Agency's program philosophy, its service delivery model, the needs of the community and the administrative and financial support available to the program.

In keeping with a competency-based model of recruitment which has been approved by the First Nations Director of Child Welfare, social workers who are eligible for Child Protection delegation have become qualified by meeting one of the following criteria:

- a Master degree in a related human services field, plus basic training, or
- a Bachelor of Social Work (BSW) degree, plus basic training, or
- a Bachelor degree in a related human services field, plus basic training, or
- a recognized diploma in the human services field, plus 4 years of experience in child and family services.

Exceptions to the above criteria for receiving Child Protection delegation are based on the competence of individual candidates.

The Agency has a standard with respect to the maximum proportion of staff without university degrees who may be employed as child protection social workers. Under no circumstances should more than 25% of social workers be without a degree.

All Agency social workers are subject to a six-month probationary period, regardless of level of delegation.

All Agency social workers who possess either a bachelor or master degree, but who lack experience in the provision of child and family services, are to receive basic training which is to be provided by either the Agency, or the Ministry for Children and Families, or a combination of both.

Casework supervision and program management is only to be carried out by social workers who meet the following requirements; and

- a minimum of five years of current experience in child and family services, including child protection; and
- a Master of Social Work (MSW), Bachelor of Social Work (BSW), or Bachelor of Arts (BA) degree in a related human services field, plus supervisor training, plus three years of current child protection experience; or
- a Master of Education (Counseling) or Master of Psychology degree, plus four years current child protection social work experience.

Note: Agencies whose Executive Director or supervisors do not meet these requirements may be grandfathered in.

Staff who provide services under Level 15 delegation are required to be:

- knowledgeable about the needs of neglected, abused and exploited children, and about child development and family functioning;
- able to exercise good judgment;
- skilled in working with families who may not want service;
- skilled in collaborating with other disciplines and services in ensuring the protection of the child;
- competent in the judicious use of the authority delegated to them for intervention on behalf of neglected, abused, and exploited children and their parents;
- familiar with court procedures and laws of evidence;
- familiar with procedures for preparing petitions, qualifying as expert witnesses, and helping witnesses organize their testimony.

The Agency supervisor of child protection workers has the responsibility for supervision of no more than seven experienced and professionally trained workers. This ratio is reduced to one supervisor to five workers when the workers have less professional education and/or experience.

STANDARD 13

Supervision

The Agency has a supervision and case consultation process which is based on and supports the Agency's service delivery model.

Agency Activity:

Supervisory staff who are employed by the Agency have the following responsibilities:

- assign case responsibility to delegated social workers who are accountable to their supervisor;
- ensure that service delivery is performed according to and within legislation; the Agency mission statement, AOPSI, Agency policy and procedural directions, and the Agency service model;
- conduct annual social worker performance evaluations;
- address personnel issues as they arise;
- ensure training and support is available for social workers.

The Agency has a case supervision model which enables the Agency to ensure that there are clearly defined roles for the supervisor and the Executive Director/Program Director of the Agency.

As a guideline, the Agency will attempt to ensure that there will be one full-time equivalent supervisor for every six social workers. The guidelines for supervisory workload are appropriately modified for:

- total Agency caseload size;
- the number of non-delegated workers;
- the level of experience of Agency social workers;
- the geographic distribution of cases;
- the size of teams;
- other relevant factors.

STANDARD 14

Training

The Agency provides opportunities for professional development and training appropriate to the level of delegation of the worker; such training will enable social workers and supervisors to carry out their responsibilities more effectively within the framework of the service delivery model used by the Agency.

Agency Activity:

The Agency has an individualized staff development program that:

- provides social workers with an opportunity to complete Aboriginal social worker training as soon as training is available, so that they may receive delegation;
- provides staff with an overview of the *Child, Family and Community Service Act*;
- ensures ongoing staff development;
- allows for the provision of other training as required from time to time (e.g., as required by legislation);
- provides staff training on the process for responding to critical incidents involving staff – this includes procedures for immediate reporting (e.g., within four days), immediate debriefing, and a two-week follow-up debriefing;
- provides staff training on the process to notify the First Nations Director of Child Welfare of incidents which are Reportable Circumstances.

Refer to Appendix III “*Training*”.

STANDARD 15

Communications Plan

The Agency has a communications plan that helps the Agency inform and stay accountable to the community and funding organizations. The communications plan of the Agency includes consultation and protocols with ancillary service agencies.

Agency Activity:

The Agency will ensure the following items are addressed:

- a community education plan is developed when implementing a new service or program;
- an annual public reporting process is in place (e.g., annual reports, newsletter);
- regular statistical reporting of Agency activities to funding sources in accordance with funding arrangements;
- a process for ongoing community input into Agency service planning and delivery (e.g., Elders committees, advisory committees);
- workplans that reflect the changing needs of the client group and the requirements for service.

The Agency develops and implements a communications plan that provides information about the Child Protection role of the Agency. This information is provided to:

- Chief and Council;
- the school(s) and the area school district;
- medical personnel in the area (e.g., hospitals, clinics, nursing stations);
- RCMP and area police detachment(s);
- other human service agencies in the area (e.g., the Ministry, day cares).

The protocols between the Agency and ancillary organizations are renewed and, as necessary, revised to reflect the Child Protection responsibilities of the Agency. The renewed protocols include the Agency's role in case management. The Agency advises the community of the (revised) protocol agreement with the Ministry – this includes notifying the community of duty to report.

STANDARD 16

Client Complaint Process and Conflict Resolution

The Agency has established a process to address, track, and report out on complaints related to service provision.

Agency Activity:

As per section 93(3) of the *Child, Family and Community Service Act*, the Agency has a process, and policy that may include protocol for the review of complaints. Families, children, community members and staff must be made aware of the complaint process of the Agency. The process will be reviewed annually and needs to clearly outline what types of issues a complaint can be made about, and also needs to include a conflict resolution process.

At a minimum the Agency process must ensure that, once a complaint has been received:

- a call-back to the individual about their initial concern will occur within two days;
- the complaint will be reviewed within 30 calendar days unless this timeline is extended through mutual consent; and
- the outcome of the review will be provided in writing to the person who made a complaint, and to the First Nations Director within 60 days.

The Agency identifies and orients a designated person (e.g., a member of the Board of Directors of the Agency, an Elder or Band member) to ensure that the complaint process is followed, tracked and recorded (both the complaint and outcome are to be documented).

Information from the complaints process must be tracked and recorded to ensure the timely reporting out on complaints. The Agency will report out on complaints, at a minimum, on a quarterly basis to the following:

- the First Nations Director of Child Welfare;
- the Agency board;
- other parties as needed.

The minimum information to be tracked and recorded may include the following:

- number of complaints by type (policy/practice issue);
- number of complaints by service area;
- number of complainants who identify as non-Aboriginal;
- number of complaints by complainant type (e.g., client, family, advocate);
- number of complaints resolved;
- client satisfaction with process.

The Agency complaints process will include an external review process whereby a complainant who disagrees with the Agency finding, is informed of the right to and may ask for further review by one of the following, according to program area involved:

- the First Nations Director of Child Welfare;
- the Representative for Children and Youth;
- the Office of the Ombudsman.

The process used by the Agency to respond to complaints associated with the rights of children in care must be child-centred, fair, open, accountable, accessible, timely, safe, provide for advocacy and support, and be responsive to each community, as follows:

Child-centred: Where a child is the primary client receiving service, the best interests of the child shall guide the complaints process. The process itself will accommodate and be sensitive to the age, capacity and developmental level of the child;

Entitlement: Persons affected by Agency decisions and policies have a right to make a complaint and to expect that there is an equitable and effective system to hear and resolve their complaint;

Accountability: The complaints process is an integral part of overall quality assurance. The Agency has a significant responsibility to protect and support children and families. From a professional and ethical point of view, the Agency accepts and recognizes the need for, and the benefit of, accountability to the individual and to the public;

Fairness: Staff in all disciplines should be trained to incorporate the concept of administrative fairness and due process, and to assist clients in the process of initiating and following through on complaints when requested;

Openness: Staff should be able to recognize the need to re-examine significant decisions and to undertake a review if concerns are expressed. The complaints process must be sensitive to the rights of the social worker whose work may be under review and involve the Program Director/Executive Director if a significant decision is to be changed;

Accessibility and Information: The complaints process must not present any administrative or systemic barriers. Information describing the complaints process, how to access it and the name of the person responsible in each Agency must be widely available;

Right to Advocacy and Support: Complainants have the right to be accompanied at all stages in the complaints process by an advocate or support person. Advocacy is recognized and supported as a means to assist individuals and to lead the process towards enhanced communication and informal resolution;

Safety: Recipients of services have a right to complain. As per section 101.1 of the CFCSA, the Agency will ensure that no reprisal will occur as a result of a review requested under section 93(3).

Timeliness: All complaints will be dealt with in an expedient manner, and should not exceed 30 days from the time the complaint is made to its resolution. The complaints process must accommodate the child's sense of time/stage of development;

Responsive to the Aboriginal Community: The complaints process must be sensitive and respectful of the Aboriginal culture and heritage of those receiving service.

STANDARD 17

Protocol between the Ministry and Agency

The Agency has a signed protocol specifying the Child Protection authority, and the process which individual social workers of the Agency uses to interact with the Ministry in the planning, provision and co-ordination of services. For inter-provincial/territorial coordination the Agency refers to the *“Interprovincial/Territorial Protocol on Children Moving Between Provinces/Territories”* found on the intranet at: http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cfs/protocol_provincial_territorial_2006.pdf and http://www.gov.mb.ca/fs/childfam/pt_protocol/2006/pt_protocol-2006_intro.pdf.

Agency Activity:

The protocol document between the Agency and the Ministry includes, but is not limited to, the following components:

- a goal statement that promotes the building of a relationship between the Ministry and the Agency that promotes the safety, health and well-being of children;
- a statement which clarifies the roles of the Agency and Ministry staff for after hours coverage;
- a statement which commits both the Agency and the Ministry to establishing regular meetings, the subject of which will be the management of issues arising from the implementation of the protocol and the review of the protocol document itself;
- a statement that the Agency and the community play key roles in ensuring the safety of children, as indicated in the DEA/DCA of the Agency;
- a statement that the First Nations Director of Child Welfare has ultimate responsibility for child protection in the Province of British Columbia;
- a clear statement that there is a legal responsibility for all people to report any suspected incident of child abuse or neglect by making a report to a fully delegated child protection social worker;
- statements regarding the sharing and disclosure of information. These statements are based on the legislative requirements of the *Child, Family and Community Service Act*, the *Freedom of Information and Protection of Privacy Act*, and other relevant legislation which pertains to information management;
- a statement regarding the differing roles of the Agency and the Ministry in the planning, delivery and monitoring of services which are to be provided under Child Protection Services delegation, including the roles regarding file transfers;
- statements describing the role of the Agency in case co-management with the Ministry (e.g., if a family is receiving both Ministry child protection and Agency-delivered services). Such statements describe:
 - the relationship between the Agency and the Ministry;
 - the roles of the Agency social worker and the Ministry social worker;
 - procedures for the co-ordination of service between workers;
 - the process for the assignment of case management responsibility.

These statements apply in instances where support services are being offered to a family but the Agency social worker does not have full delegation under the *Child, Family and Community Service Act* and a co-signing of the service agreement with a fully delegated worker is required.

The protocol should also address the need to develop a written agreement in each individual case involving case co-management. There also exists a provision for the development of a written agreement which describes the roles and responsibilities of both the Agency social worker and the Ministry social worker as each case requiring joint involvement arises.

- a statement which describes the need to jointly share information between the Agency and the Ministry to ensure that all of the child's needs are met;
- a dispute resolution process for matters of concern between the Ministry and the Agency;
- a file transfer process between the Ministry and Agency, including a case by case review to assess the Agency's capacity to provide services;
- the signatures on the document of those with signing authority, including the senior management of both the Agency (e.g., Executive Director/Program Director) and the Ministry (e.g., Regional Executive Director), and those with supervisory responsibility for the staff who will implement the protocol.

STANDARD 18

Protocol with Ancillary Agencies

The Agency has updated its protocols with ancillary agencies to reflect the additional responsibilities which the Agency has received with Child Protection delegation.

Agency Activity:

The Agency amends previously established protocols with local police, hospital and health units, schools districts and other ancillary agencies as needed. The amended protocol includes the Agency's role with respect to its Voluntary Services, Guardianship, and Child Protection delegation.

The components of such protocols include:

- a goal statement that promotes building a relationship between the Agency and the ancillary agency which promotes the safety and well-being of children;
- a statement which commits both the Agency and the ancillary agency to establishing regular meetings, the subject of which will be the management of issues arising from the implementation of the protocol and the review of the protocol document;
- a clear statement that there is a legal responsibility for all people to report any suspected incident of child abuse or neglect by reporting to a fully delegated child protection social worker;
- statements regarding the sharing and disclosure of information between the Agency and the ancillary agency. These statements are based on the legislative requirements of the *Child, Family and Community Service Act*, the *Freedom of Information and Protection of Privacy Act*, and other relevant legislation which pertains to Band or Tribal Council information management;
- a dispute resolution process for matters of concern between the Agency and the ancillary agency;
- the signatures on the document of those with signing authority, including the senior management of both the Agency (e.g., Executive Director/Program Director or delegate) and the senior manager or delegate of the ancillary agency.

Note: This assumes ancillary agencies are willing and able to enter into protocols with the Agency. In the event a protocol cannot be signed, the Agency documents its attempts to do so.

STANDARD 19

Protocol with the Representative for Children and Youth

The Agency has a policy or signed protocol with the Representative for Children and Youth in regards to the sharing of information.

Agency Activity:

The protocol document with the Representative for Children and Youth contains provisions on how the Agency and the Representative will implement section 6 of the *Representative for Children and Youth Act* (2006) which allows the Representative to:

- support, assist, inform and advise children and their families respecting designated services, which activities include, without limitation:
 - monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions;
 - review, investigate and report on the critical injuries and deaths of children as set out in Part 4 of the *Representative for Children and Youth Act* (2006); and
 - perform any other prescribed functions.

STANDARD 20

Legal Counsel

The Agency has arrangements to obtain legal representation or counsel in all legal proceedings they conduct under the authority of the CFCSA and for children in care who face criminal charges.

Agency Activity:

The Agency makes arrangements through the First Nations Director, Aboriginal Regional Support Services Team, to facilitate contact with the Legal Services Branch of the Ministry of Attorney General to:

- provide independent legal counsel for children in care who face criminal charges;
- obtain contracted counsel, as set out under contract as per current service expectations for contracted counsel, to advise and represent delegated Agency staff in legal proceedings they conduct under the authority of the CFCSA.

Appendices



Table of Contents

Appendix I:	Delegation of Authority to	115
Appendix II:	Factors to Consider in the Recruitment and	116
	Retention of Residential Resources	121
Appendix III:	Training	122
Appendix IV:	Volunteer Screening Requirements	124
Appendix V(a):	Common Review Pilot Terms of Reference	125
Appendix V(b):	Compliance Review Checklist	137

Appendix I: Delegation of Authority to Employees of Aboriginal Agencies

The First Nations Director of Child Welfare may delegate authority to the employees of an Aboriginal Agency to undertake the administration of all or part of the *Child Family and Community Service Act*. The extent of the responsibility undertaken by an Aboriginal Agency will be the result of negotiations between the First Nations Director and the Aboriginal Agency or Aboriginal community to be served by the Agency.

Criteria for Aboriginal Agency delegation are contained in the *Aboriginal Operational and Practice Standards and Indicators: Operational Standards, July 2009*.

DELEGATION CATEGORIES

Category 1: Information Only – Student Social Worker

Category 2: Child Welfare Specialization Practicum Student

Category 3: Voluntary Services and Resource Development

Category 4: Guardianship

Category 5: Partial Child Protection (for new child protection employees in Child Protection Agencies)

Category 6: Full Child Protection Authority

Delegation requests for employees of specific Aboriginal agencies are evaluated on the individual employee's skills, educational qualifications, abilities, delegation training and areas of responsibility. Individual agency employees who meet delegation criteria, may receive letters of delegation consistent with their agency's level of delegation.

Qualifications Required for Delegation

Specific qualifications and criteria for each category of delegation are defined in the *Aboriginal Operational and Practice Standards and Indicators: Operational Standards, July 2009*. For specific references, see

Operational Standard 12: Competency.

This standard outlines the requirements for delegation at each level of delegated authority for service delivery.

The Aboriginal Agency requests delegation through the First Nations Director of Aboriginal Services. The Delegation Registrar manages and administers delegations for staff of Aboriginal Agencies.

Aboriginal Delegation Matrix

This matrix shows the delegation of authority under the *Child, Family and Community Services Act* for Aboriginal Agency delegates. In addition, the designated First Nations Director delegates child in care guardianship responsibilities under section 23 and 29 of the *Family Relations Act*.

Delegation Matrix

The delegation matrix shows the delegation of authority under the *Child, Family and Community Service Act*. The title for each category is listed in the section Delegation Categories, at the beginning of the matrix. The matrix identifies only those sections which apply to the director in a different way than to the general public. The Director must read the entire Act to determine all of the Director's duties under the Act. The reason for this is that some of the duties are in fact owned by the general public, and so there is no need to identify them as particular to the director.

Aboriginal Delegation Process

Qualifications: AOPSI Competency Standard

The process of delegation for Aboriginal Agency social workers, supervisors and program managers/executive directors, is based on educational qualifications, experience and training. The AOPSI has a "Competency Standard" in each level of the Operational Standards which outlines the educational qualifications, experience, training as well as knowledge of the Aboriginal community. The Competency Standard also states that an Aboriginal Agency may employ social workers with a recognized diploma (2 years) plus 3 years experience in child and family services. An Aboriginal Agency may have no more than 25% of their delegated social workers without a degree.

Training: ABSWT

Once an Aboriginal Agency has hired a social worker and they are eligible for delegation based on the Competency Standard for qualifications, they would then apply to attend the Aboriginal Social Work Training (ASWT) which is offered by Caring for First Nations Children Society (CFNCS). This training is presently offered three times a year and consists of eight weeks of classroom instruction plus Field Placement. Due to the fact that Aboriginal Agency development is a process whereby delegation is a phased-in model, the training is structured in such a manner as to accommodate Agency staff at the three levels of delegation: Voluntary Services, Guardianship and Child Protection. A delegation test is administered at the completion of each level of instruction which requires a passing score of 80%. There is also a Field Placement component to be completed either at the Agency, at another agency with the required level of delegation or it may also be completed at a MCFD office if it is more convenient. The Field Placement consists of a number of activities which demonstrate the social worker's ability to meet those competencies.

The Field Placement must be completed in full, initialled and signed off by the Field Placement supervisor and participant. This document must accompany the Request for Delegation when it is faxed to Aboriginal Regional Support Services. Generally, when applying for Child Protection (C6) delegation the worker must have completed all 3 levels of delegation training including the 3 Field Placements.

Required Documentation

The following documentation is required to be either faxed or mailed attention to:

Marika Czink, Analyst, Aboriginal Policy and Services Support Team
PO Box 9777 Stn Prov Gov't
Victoria, BC V8W 9S5

Fax: 250-387-1732

Request for Delegation – signed by supervisor and agency director

Copy of Resumé

Confirmation of References Check

Copy of Degree, Diploma or other educational certificates

Copy of completed Field Placements and signed Evaluation form

If there is an exception to the AOPSI Competency Standard or Training, a written request for an exception should be submitted which includes a plan as to how and when the issue will be addressed in order to meet the requirements.

Requests for reinstatement of delegation will be reviewed on a case by case basis.

**Ministry of Children and Family Development
Child and Family Development Division
Quality Improvement Branch**

**Delegation Categories and Matrix
Child, Family and Community Service Act
December 2002**

Number	Name	Brief Description of Category
C1	Information Only	- No legal authority, not in CFCSA Matrix. - Permission to access information obtained under CFCSA, subject to the provisions of section 75. - Designed for practicum students (except those in category 2) and employees who require access to information to do their job, but have no case authority.
C2	Child Welfare Specialization	- No legal authority, not in CFCSA Matrix. - Only for Child Welfare/Child Protection Specialization students who are in a fourth-year child protection practicum. - Permission to participate in service delivery to enable the student to complete the tasks required in the practicum.
C3	Resources and Voluntary Services	- Includes authorities to provide support services for families, voluntary care agreements, special needs agreements and to establish residential resources for children in care. - Authority must be exercised within the parameters of a job description. - This category is also known as Level 12 in the <i>Aboriginal Operational and Practice Standards and Indicators</i>.
C4	Guardianship	- Includes all of the legal authority in C3 plus additional authorities to carry out the director's' guardianship responsibilities for children and youth in continuing custody. - Authority must be exercised within the parameters of a job description. - This category is also known as Level 13 in the <i>Aboriginal Operational and Practice Standards and Indicators</i>.
C5	Partial Child Protection	- Includes all of the legal authority in C3 and C4 and limited authority for child protection. - The purpose of this category is to give new child protection workers limited authority while working under the supervision of fully delegated practitioners until the required competence to assume full child protection authority is demonstrated. - Authority must be exercised within the parameters of a job description.
C6	Full Child Protection	- Includes all of the legal authority in C3, C4 and C5 and full authority for child protection. - Authority must be exercised within the parameters of a job description. - This category is also known as Level 15 in the <i>Aboriginal Operational and Practice Standards and Indicators</i>.

Ministry of Children and Family Development
Child, Family and Community Service Act (CFCSA)
Full Delegation Matrix – September 2006

CFCSA Section	Description of Authority	C3	C4	C5	C6
5	Family Support Service Agreements	X	X	X	X
6	Voluntary Care Agreements	X	X	X	X
7	Special Needs Agreements	X	X	X	X
8	Agreements with Child's Kin and Others				X
12.1	Establish support services for youth	X	X	X	X
12.2	Youth Agreements		X	X	X
12.3	Agreements with Young Adults	X	X	X	X
15	Reports if a young child breaks the law			X	X
16 (1)	Receive and assess reports under s. 14, 15 and 27			X	X
16 (2) (a)	Offer supports to a child and family			X	X
16 (2) (b)	Refer to community agency			X	X
16 (2) (c)	Investigate child's need for protection				X
16 (3)	Report investigation results			X	X
16 (4)	Report investigation results to the child			X	X
16 (5)	Decision to not report investigation results				X
17	Application for court ordered access to the child			X	X
19	Apply for specified orders and warrants by telephone			X	X
20	Family Conference				X
21	Plan of Care				X
22	Mediation or other alternative dispute resolution	X	X	X	X
25	Take charge: Unattended child				X
26	Take charge: Lost or runaway child				X
27	Take charge: Child in immediate danger				X
28	Protective intervention order			X	X
29	Child who needs essential health care		X	X	X
29.1	Apply for supervision order				X
30	Removal of child				X
32	Care of child until presentation hearing about removal			X	X
33	Returning the child before presentation hearing about removal				X
33.1	Presentation hearing about application for a supervision order				X
33.2	Present written report to the court at the presentation hearing about application for a supervision order				X
34	Duty to attend and inform others of a presentation hearing about removal			X	X
35	Present written report to the court at the presentation hearing about removal			X	X
36	Remove if an interim supervision order no longer protects the child				X
39	Appear at the commencement of the protection hearing to entitle the director as a party to the proceeding			X	X
41	Orders made at protection hearing, including temporary custody orders			X	X
41.1	Recommend terms and conditions of supervision orders to implement the plan of care				X
42	Remove if a supervision order made at a protection hearing no longer protects the child				X

Ministry of Children and Family Development
Child, Family and Community Service Act (CFCSA)
Full Delegation Matrix – September 2006

CFCSA Section	Description of Authority	C3	C4	C5	C6
42.1	Presentation hearing about removal under section 42				X
42.2	Subsequent hearing about removal under section 42				X
44	Extension of supervision and temporary custody orders			X	X
46	Supervision of child after temporary custody order ends			X	X
47	Effect of interim or temporary custody order			X	X
48	Withdrawing from a proceeding after the presentation hearing				X
49	Continuing custody hearing and orders			X	X
50	Effect of continuing custody order		X	X	X
52	Duty to notify Public Trustee		X	X	X
54	Cancellation of continuing custody order		X	X	X
54.1	Transfer of custody to a person who is not a parent		X	X	X
55	Access to child in interim or temporary custody of director or other person			X	X
56	Access to child in continuing custody of director		X	X	X
57 (1) (a)	Changes to supervision orders other than one that is an interim order			X	X
57 (1) (b)	Changes to temporary custody orders			X	X
57 (1) (c)	Changes to access orders		X	X	X
57.1	Access Orders if application is made under section 54.1		X	X	X
58	Apply for an order appointing the Public Trustee as guardian of the estate of a child in temporary custody			X	X
59	Apply for psychiatric or medical examination orders		X	X	X
63	Enforcement of custody order		X	X	X
65	Apply for an order for access to a record			X	X
71	Placement of children	X	X	X	X
77	Refuse to disclose information to a person who has a right of access				X
79	Disclosure without consent	X	X	X	X
93	Other powers and duties of directors	X	X	X	X
94	Authorize caregivers by agreement to carry out director's duties and responsibilities with respect to the care, custody guardianship of a child	X	X	X	X
96	Director's right to information	X	X	X	X
97	Maintenance agreements and orders	X	X	X	X
98	Restraining orders	X	X	X	X
Family Relations Act					
23	Roles of Public Trustee and Director as Guardians		X	X	X
29 (3)	Loss of Guardian		X	X	X

C3: Resources and Voluntary Services

C4: Guardianship

C5: Partial Child Protection

C6: Full Child Protection

Appendix II: Factors to Consider in the Recruitment and Retention of Residential Resources

Children in care under voluntary care agreements require residential resources. The Voluntary Services Practice Standards outline the expectations for resource workers who set up these residential resources. In order to support resource workers in their efforts to attract and retain a sufficient number and quality of foster homes and/or group homes, Aboriginal Child and Family Service Agencies may wish to consider the following factors:

Number of homes: The number of residential resources required by the Agency will depend on the current needs of the community for alternate care arrangements for children. Estimates of future requirements should be made as well, and these estimates should reflect potential changes which may happen in the community (e.g., population going up or down).

Differing levels of care: The level of care required in the residential resource will vary depending on the needs of the child, which may include the severity of disability. A selection of residential resources which are able to provide different levels of care to children may not be required at all times. However, it is important to know which resources are currently available, and which resources will need to be developed.

Ongoing recruitment: The recruitment of residential resources is an ongoing activity. The current number of caregivers (including those who are able to provide differing levels of care) may be insufficient to meet changing needs. Additionally, caregivers may move out of the community or retire. This would require the Agency to find replacement homes to fill the vacancies. The Agency would benefit by advertising for caregivers through posters, flyers and other notices.

Information sessions: An information session that includes an open discussion of the rewards, challenges and expectations of caregiving can go a long way to recruiting and retaining residential resources who have the right balance of enthusiasm, commitment, competence, and ability to be part of the team looking after the child. The session should describe how children and youth come into care, the characteristics of children in care, information about the rights of children in care, and ways of maintaining the cultural identity of the child.

Screening: The Agency may wish to develop a formal tool that can guide resource workers in the screening out of inappropriate applicants.

Training: Both general, basic training sessions and specialized training (e.g., material on FAS and grief and loss) are of significant benefit to the caregiver and, ultimately, to the children in care.

Follow up reviews: Resource workers conduct annual reviews and other reviews of residential resources. The Agency may wish to develop a checklist for use by resource workers as they conduct such reviews.

Appendix III: Training

The Aboriginal Child and Family Service Agency may wish to adopt the following standards with respect to the training or professional development of its staff. The staff development program for supervisors and front line social workers addresses the skills required to deliver services and includes the following components:

- the service delivery model of the Agency;
- team-building exercises (if teams are used in the service delivery model);
- additional topics, which may include:
 - the history of the First Nation's people,
 - the language of the First Nation,
 - the traditional practices of family and Aboriginal community life,
 - Aboriginal extended family structure,
 - the effects of residential schools,
 - the effects of alcohol and drugs,
 - ways for maintaining the cultural identity of children in care,
 - child, adult and family development,
 - stress management,
 - parent training,
 - family systems theory;
- methods of helping families to acquire the skills they need including the utilization of community service providers who can educate families in the following areas: home management skills, life skills, parenting skills, child development, the use of other appropriate community resources (both Aboriginal and non-Aboriginal);
- family-focused support skills and interventions which are tailored to the needs of the specific families being served;
- crisis intervention and other strategies for the management of suicidal, assaultive, or other high-risk behaviour and depression;
- the assessment of risk;
- case review and service planning issues within the context of the service model, including strategies for engaging reluctant family members, strategies for defusing violent situations, communication skills, conflict resolution skills, and the facilitation of family conferences for planning and placement issues.

The curriculum for ongoing staff training addresses the needs of the families and individuals served by the Agency, and includes:

- the needs of children, youth, and family members with behavioural disorders and/or emotional disturbances, or who have been neglected, abused or exploited;
- cultural responses most effective within the First Nation;
- the needs of special populations, including people who may have mental illnesses, physical challenges, developmental disabilities, and/or chemical dependencies.

The training also addresses knowledge and skill-building with regard to the issues facing the families served by the Agency, including:

- the identification of physical and economic factors which assist the family to fulfill the roles of nurturer, educator and socializer of their children;
- the enhancement of skills to collaborate with other disciplines and services in assuring the preservation of the family and the safety of children and other family members;
- the roles and functions of other Aboriginal and non-Aboriginal community services and agencies;
- information about the client complaint policy and procedures of the Agency;
- information about the process for accessing financial and other resources of the Agency;
- relevant information about applicable legislation, and the justice system;
- issues of unemployment and housing;
- the informal support systems available within the Aboriginal community.

As resources permit, the Agency may consider instituting a training for program supervisors that covers:

- improving consultative or additional skills which will improve supervisory performance;
- the criteria guiding the selection, regular appraisal and ongoing training of social workers;
- practice skills regarding the Agency referral and intake policies and procedures, and case consultation and supervision;
- tracking and monitoring the progress of the families being served by the Agency.

Appendix IV: Volunteer Screening Requirements

If the Agency has volunteers who serve as paraprofessional members of a team, it establishes and follows written criteria for selection of the volunteer, which ensures that the values, personal characteristics, and background of the volunteers are those which enable the goals of the persons served and the program to be met.

All volunteers are also screened using a Criminal Records Review and criminal records check, the results of which are reviewed to ensure the safety of children they may serve in relation to the volunteer's role and responsibilities.

**INTERNAL AUDIT & ADVISORY SERVICES
OFFICE OF THE COMPTROLLER GENERAL
MINISTRY OF FINANCE**

**TERMS OF REFERENCE
MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
INDIAN NORTHERN AFFAIRS CANADA
FIRST NATIONS CHILD AND FAMILY SERVICES – COMMON REVIEW PILOT**

INTRODUCTION

The main objective of the First Nations Child and Family Services (FNCFS) program "is to assist First Nations in providing access to culturally sensitive child and family services in their communities, and to ensure that the services provided to First Nations children and their families on-reserve are comparable to those available to other provincial residents in similar circumstances."

The development of First Nations Child and Family Services (FNCFS) agencies in British Columbia (BC) is a co-operative undertaking by First Nation(s), the BC Region of federal Indian and Northern Affairs Canada (INAC BC), and the provincial Ministry of Children and Family Development (MCFD). INAC BC provides funding to FNCFS agencies to design and provide the "on-reserve" services for eligible aboriginal children and their families in BC. For fiscal year 2004/05 INAC BC had a \$44.0 million budget for Child and Family Services. MCFD delegates the legal authorities to FNCFS agency staff to provide these services, and provides significant provincial funding for off-reserve aboriginal child and family services.

Historically, INAC BC and MCFD sponsored audits or reviews of FNCFS agencies have been done separately from one another. Internal Audit & Advisory Services (IAAS) of the Province of British Columbia was approached by both INAC BC and MCFD to pilot some combined reviews for each of three FNCFS agencies.

The Common Review Pilot is intended to provide a more co-ordinated, proactive approach to reviewing FNCFS Agencies, based on tripartite representation, reinforcing quality assurance principles, and sharing best practices.

PROJECT PURPOSE

The primary purpose of the project is help improve accountability and partnering with First Nations for the review of children and family services.

FNCFS agency reviews will be split into three parts: a financial compliance review, an operational and administrative review, and a case practice audit. MCFD will be responsible for completing the case practice audits, and the timing of the practice audits will ideally be co-ordinated with the financial and operational reviews.

File No.: 039098

.../2

- 2 -

FINANCIAL COMPLIANCE REVIEW

In support of the project's primary purpose, the purpose of the financial compliance review will be to provide INAC BC, MCFD and the FNCFS agency executive with an assessment of agency compliance with selected financial terms and conditions of INAC BC and MCFD funding agreements, as well as identifying opportunities for improving agency financial management in anticipation of flexible funding. For the INAC BC portion of the financial compliance review, IAAS will be applying the review requirements as directed by INAC national headquarters, supplemented with interpretations of those requirements by INAC BC based on the terms and conditions of funding agreements.

The time periods for the financial compliance review of each FNCFS agency will be determined in consultation with agencies and discussions with a Steering Committee comprised of INAC BC, MCFD, and representatives from FNCFS Agencies.

Review procedures to meet INAC BC requirements will involve:

- a sample of children in care (CIC) files to determine whether:
 - maintenance claimed and funded meets INAC BC's terms and conditions for that funding; and
 - maintenance claimed and funded meets MCFD's terms and conditions under the appropriate legislation and policies;
- a sample of caregiver files to determine whether they are supported by a contract, adequate insurance coverage, and meet applicable criteria for the level of care billed; and
- a review of agency administrative procedures consistent with the requirements of Appendix C of the INAC Child and Family Services Review Process.

Review procedures to meet MCFD requirements may involve determining whether measurable service levels have been provided and expenditures of ministry funding are reasonably consistent with ministry funding agreement expectations and delegated authority.

Review procedures to meet both INAC and MCFD requirements include procedures to evaluate whether:

- financial management policies and procedures are comprehensive, understandable and available for board and staff member reference;

.../3

- 3 -

- expenditure and payment authorizations are correct and appropriate; and
- bank reconciliations are complete, timely and separately reviewed.

OPERATIONAL REVIEW

In support of the project's primary purpose, the Operational and Administrative Review will provide INAC BC, MCFD and the FNCFS agency executive with an assessment of agency operational management performance, identifying any opportunities for improvement under current delegated authority.

The scope of each agency review will focus on the conditions at the time of fieldwork and involve an evaluation of the agency's operational management practices and capacity including compliance with:

- Aboriginal Operational and Practice Standards and Indicators (AOPSI) readiness criteria and operational standards supporting the signing of the Delegation Enabling Agreement (DEA), Transition of Authority Document, or other type of delegation of authority document with MCFD;
- the delegation enabling agreement for child and family services; and
- federal or provincial legislation the agency is incorporated or registered under.

SCOPE EXCLUSIONS

Unless otherwise directed and resourced by either INAC or MCFD, and separately communicated as an addendum to this terms of reference the scope of the work performed by Internal Audit & Advisory Services will exclude:

- any assessment of the quality of case management, such as a practice standards review or audit of child files (case practice audits will be undertaken by MCFD);
- any funding decision processes followed and funding rates applied by INAC BC;
- any validity test of Indian Registration Numbers and child birthdates under FNCFS agency claims;
- a cross-match of FNCFS agency child claims to Child Tax Benefit claims;

.../4

- 4 -

- an investigation of any apparent, suspected or alleged irregularities; and
- a review or audit of the FNCFS agency financial viability, including sufficiency of funding for delegated services and uses of surpluses arising from FNCFS maintenance and operational funding.

APPROACH

Our approach will include reference, as appropriate to:

- agency financial and operational reports and records, such as audited financial statements, payment and bank records, invoices, contracts, policy and procedure manuals, report filings to INAC BC, maps of band lands, organization charts, job descriptions, strategic and business plans and management and board of director minutes;
- Federal policy and standards, including Treasury Board requirements and INAC requirements, notably the Corporate Manuals System covering the Child and Family Services Compliance Review Process and Program Directive 20-1, Chapter 5, First Nations Child and Family Services;
- Province of BC standards and policy, including AOPSI, Child and Family Development Services Standards, and care giver levels and rate schedules;
- Generally Accepted Accounting Principles (GAAP) per the Canadian Institute of Chartered Accountants;
- interviews with current and former INAC BC, MCFD and FNCFS agency representatives, as appropriate and available; and
- actions taken by a FNCFS agency in response to any earlier financial or operational related audit or review recommendations, commissioned or undertaken by INAC BC or MCFD.

PROJECT TIMEFRAME AND REPORTING

A minimum of three common review pilots will be undertaken during fiscal 2006. The selection of agencies, and the timing of the reviews will be determined by a Steering Committee composed of INAC BC, MCFD, and representatives from FNCFS Agencies.

.../5

- 5 -

Shortly following review fieldwork, a debrief session will be held with the FNCFS agency's Executive Director, or equivalent, any available board or council members and designated INAC BC and MCFD representatives. A spreadsheet summary, itemized by child file will be provided where there are funding or documentation anomalies requiring the consideration of the agency. Thirty days following the last exit interview a draft report will be issued to the agency's Executive Director, INAC BC's Manager, Intergovernmental Affairs, British Columbia Region and MCFD's Director of Services to Aboriginal Children and Families for comment. After comments have been received from these representatives, a final report will be issued to the agency's executive board or council member, to INAC BC's BC Region's Manager of Intergovernmental Affairs and to MCFD's Assistant Deputy Minister, Transition and Aboriginal Services, and Assistant Deputy Minister, Child and Family Development Service - Transformation.

The report will include an executive summary, the purpose, scope and conclusions of the review, together with supporting findings and recommendations. Any comments or suggestions IAAS may have applying to the FNCFS funding and delegation agreements may be separately reported to the Steering Committee.

RESPONSIBILITIES

The Funding and Delegation Enabling Agreements describe the responsibilities of the selected FNCFS agencies under this review project. A cover memo accompanying a copy of these terms of reference will be sent to each agency confirming fieldwork dates and outlining the initial information needs of the review project team.

INAC BC, MCFD, and representatives from FNCFS Agencies in cooperation with IAAS will be jointly responsible for forming a Steering Committee under this project to help co-ordinate the joint financial, operational and administrative reviews, and case practice audits at the planning, fieldwork and reporting stages, including but not limited to:

- drafting Steering Committee Terms of Reference;
- FNCFS agency selection, development of schedule, and notice of review fieldwork to IAAS and agencies after consideration of agency and auditor availability;
- MCFD, INAC BC, and FNCFS Agency information sharing;
- development of a common audit tool;
- interpretations of operational standards;
- submitting recommendations to the AOPSI Steering Committee;

.../6

- 6 -

- communications plans or protocols for externally sharing project details and findings, and
- tracking and follow up of outstanding recommendations from the audit/review process.

INAC BC will be separately responsible for:

- providing IAAS with some expert assistance at least for the initial agency review;
- advising IAAS on the scope period(s) for the reviews and sampling methodology and size determination for compliance testing purposes;
- providing to IAAS at least 2 weeks in advance of review fieldwork copies of the following for the scope period(s) under review:
 - the FNCFS funding agreement(s);
 - monthly maintenance payments to the FNCFS agency broken down by child file, number of days of care, care type and rate and total payment, preferably as an electronic spreadsheet file;
 - any previous INAC BC compliance review reports relating to the FNCFS agency; and
 - any other information critical to the review purpose, scope and objectives.

MCFD will be separately responsible for:

- permitting IAAS to:
 - access ministry systems, including the intranet, MIS SWS and RAP systems, for purposes of helping achieve review objectives; and
 - rely on any MCFD previous or concurrent practice audit or review results which overlap with procedures under this project; and
- providing IAAS with:
 - a copy of all current ministry funding agreements with the agency;
 - expert support, such as a practice analyst, in the areas of ministry system screen queries, child protection and caregiver resources;
 - MIS SWS or RAPS reports and queries, on special request;

.../7

- 7 -

- copies of any earlier review or audit reports in the ministry's possession regarding the agency and supporting working papers on request;
- access to child and family files selected for testing where they have been transferred from the FNCFS agency to MCFD; and
- any other information critical to the review purpose, scope and objectives.

FNCFS Agencies will be separately responsible for:

- providing the information documented in Appendix C (policies, phone lists, arrangements for workspace, etc.) prior to the beginning of the review.

IAAS will be responsible for conducting and reporting on the reviews with assistance from contractors, INAC BC, FNCFS agencies and MCFD staff, as appropriate. IAAS will advise its project sponsors of any potentially significant issues or opportunities which fall outside the scope of this project for their consideration.

The IAAS team will principally consist of Stephen Abercrombie, Project Leader, a contracted operations management consultant and Kelly Dorin, Project Manager, under the general direction of John Shenton, Director, Operations.

FUNDING

According to a negotiated split, INAC BC and MCFD will jointly fund the FNCFS agency Financial Compliance and Management Review and Operational. MCFD will be solely responsible for directing and funding any practice standards review or audit, separate from the financial and operational reviews covered by this terms of reference. IAAS will invoice for incurred costs only, which will include staff hours and applicable expenses at standard IAAS rates, as well as contractor fees if applicable. IAAS will strive to minimize project costs to INAC BC and MCFD, and minimize disruptions to the FNCFS agencies.

CONFIDENTIALITY

IAAS will treat as confidential and will not, without the prior written consent of INAC BC, the FNCFS agency's executive board or council member, and MCFD, publish, release or disclose, or permit to be published, released or disclosed, any information supplied to, obtained by, or which comes to the knowledge of the branch as a result of this assignment, except insofar as such publication, release or disclosure is necessary to enable the branch to fulfil its obligation for this assignment or to comply with applicable federal or provincial legislation such as the *Freedom of Information and Protection of Privacy Act* of the Province of British Columbia.

.../8

Approved by:

David J. Fairbotham
Executive Director
Internal Audit & Advisory Services
Ministry of Finance, Province of British Columbia

Accepted by:

Linda Stiller
Manager, Intergovernmental Affairs
British Columbia Region
Indian and Northern Affairs Canada

Lenora Angel
Assistant Deputy Minister
Transition and Aboriginal Services
Ministry of Children and Family Development

Jeremy Berland
Assistant Deputy Minister
Child and Family Development Service – Transformation
(Provincial Director of Child Protection under the
Child Family and Community Services Act)
Ministry of Children and Family Development

pc: Kim Louie, Advisor, Intergovernmental Affairs
British Columbia Region
Indian and Northern Affairs Canada

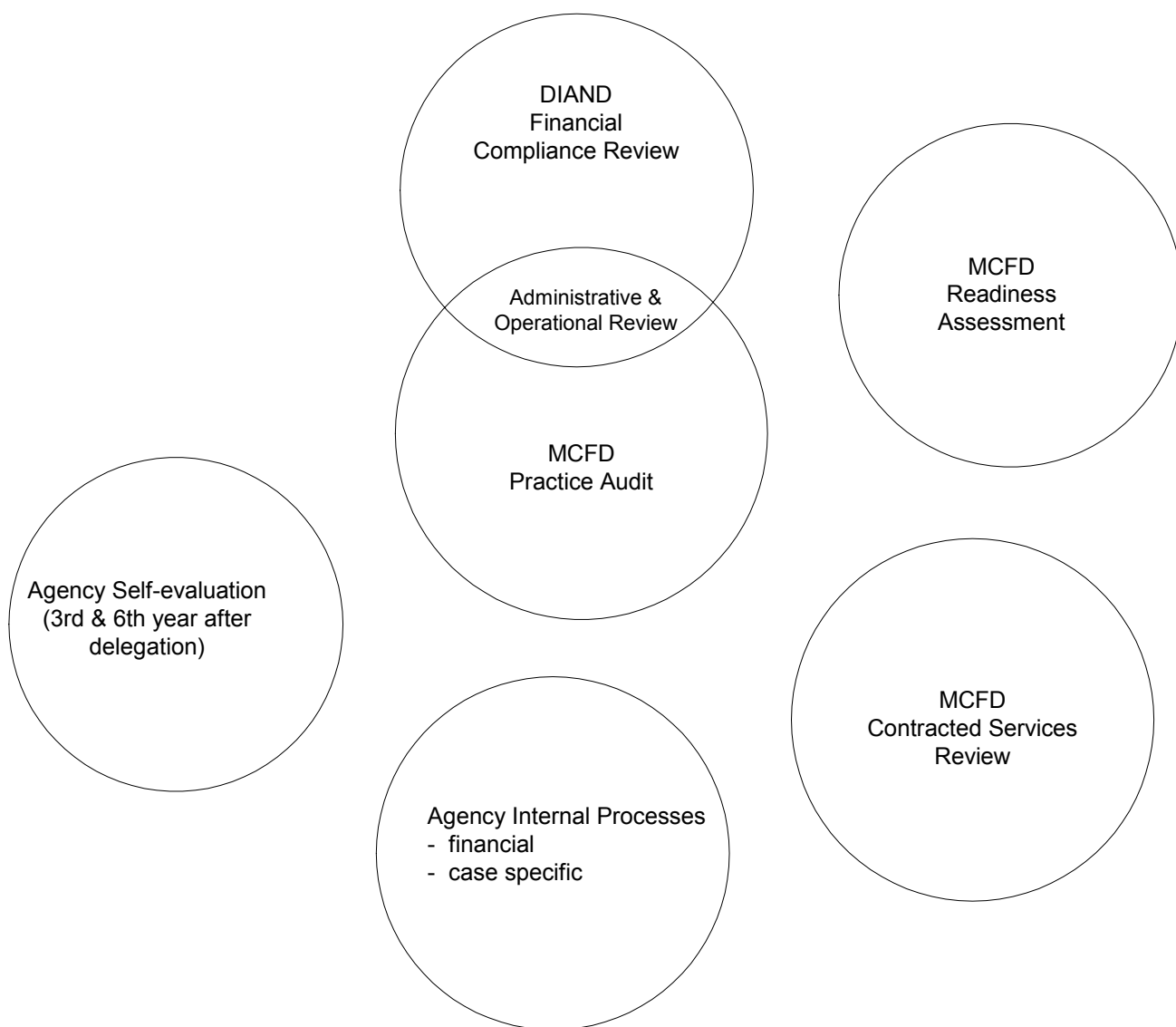
Julie Dawson, Director, Aboriginal Services
Child and Family Development Division
Ministry of Children and Family Development

James Gorman, Assistant Deputy Minister, Management Services
Ministry of Children and Family Development

Regional Executive Directors,
Child and Family Development regions (where funding selected FNCFS
agencies)
Ministry of Children and Family Development

Executive Directors
Selected FNCFS Agencies

APPENDIX A – OVERVIEW OF CURRENT REVIEW PROCESSES



APPENDIX B – PROCESS MATRIX

Prior to visiting each agency, Internal Audit & Advisory Services will provide a completed process matrix to the agency outlining the purpose of the respective reviews, applicable legislation, relevant delegation agreements, and communication processes related to addressing agency concerns, and recommendations flowing out of the reviews.

	DIAND Financial Compliance Review	Operational & Administration Review	MCFD Practice Audits
Mandate & Purpose			
Legislation			
Delegation Contribution Agreement			
Concerns & Needs			
Recommendations			

APPENDIX C – COVER LETTER EXAMPLE

(IAAS letterhead)

(current date)

To: (Name)
(Executive Director or equivalent title)
(Agency name)

From: Kelly Dorin,
Project Manager
Internal Audit & Advisory Services
Ministry of Finance

Re: First Nations Child and Family Services Financial and Operational Reviews

Dear _____

Please find enclosed a terms of reference for a financial and operational review of your agency's First Nations Child and Family Services (FNCFS) program.

The BC Region of Indian Affairs and Northern Canada and the Ministry of Children and Family Development have contracted with us to independently perform a joint pilot review. It is anticipated that a more co-ordinated, streamlined and less disruptive approach to reviewing FNCFS agencies will result.

We plan to commence review fieldwork the week of _____.

It would be appreciated if your agency would send the following information to us two weeks in advance of scheduled fieldwork:

- an up to date agency organization chart and employee phone list; and
- the addresses and functions of each of your agency's offices, where there is more than one office.

Please fax or email the above information to the attention of Stephen Abercrombie: 250-356-2001 (fax) or Stephen.Abercrombie@gems1.gov.bc.ca.

It would also be appreciated if you would be available to meet with us at the commencement of fieldwork and have available:

- confirmation of the FNCFS agency staff's level of legal authority, as delegated by the Provincial Director of Child Protection, and a copy of the signed DEA;
- maps of band lands;
- the names of cheque signing authorities under FNCFS programs and any conditions or limits they must adhere to and their corresponding signatures;

- bank reconciliations, statements and cancelled cheques for the 2 most recent completed months covering FNCFS programs;
- copies of policies and procedures applicable to FNCFS programs;
- copies of current operational plans, such as strategic plans, annual business plans and communication plans covering FNCFS programs; and
- copies of board/council and management minutes applicable to FNCFS programs.

Please do not hesitate to contact me (250-387-8168) or Stephen Abercrombie (250-356-7433) if you have any questions or concerns.

Sincerely,

Kelly Dorin
Project Manager
Internal Audit and Advisory Services

Appendix V(b): Compliance Review Checklist

1.0 PURPOSE OF COMPLIANCE REVIEW

- confirm client eligibility for funding;
- enable INAC to meet accountability responsibilities;
- determine and ensure compliance with agreed upon per diems;
- provide support to agencies in their effective and efficient operation.

1.1 INAC OFFICE RECONCILIATION

- ☐ Completed and signed off Notice of Admission, Notice of Discharge/Transfer;
- ☐ Completed and signed off Monthly Maintenance Reports;
- ☐ Letter of verification confirming child eligibility for INAC funding.

1.2 SUPPORT FOR COMPLIANCE REVIEWERS

You will be contacted by the reviewer at least two weeks in advance to confirm the timing of the review, and the availability of appropriate Agency staff. These documents may need to be shipped to auditor in advance of visit, or you will need to have on hand:

- ☐ Addresses and functions of each of your Agency's offices, where there is more than one office;
- ☐ Maps of band lands;
- ☐ Agency organization chart and employee job descriptions or an overview of staff roles and responsibilities;
- ☐ Confirmation of each social worker's level of delegation, and a copy of the signed DEA;
- ☐ (if a non-profit society) A copy of Constitution and by-laws, minutes of annual general meetings, certificate of good standing;
- ☐ Names of cheque signers under FNCFS programs and any conditions or limits they must adhere to and their corresponding signatures;
- ☐ Bank reconciliations, statements and cancelled cheques for the 2 most recent completed months covering FNCFS programs;
- ☐ Most recent audited financial statements and any supporting correspondence between external auditor and Agency;
- ☐ Current year-to-date financial statements, preferably showing budgets;
- ☐ A General Ledger transaction report listing out caregiver billings paid and expensed (including a cheque number cross reference) from (date to specified by auditor) to present;
- ☐ Copies of policies and procedures applicable to FNCFS programs (Human Resources, Financial, etc.);
- ☐ Copies of current operational plans, such as strategic plans, annual business plans and communication plans covering FNCFS programs;
- ☐ Copies of board/council and management minutes applicable to FNCFS programs;
- ☐ Contracts (MCFD, other);
- ☐ Blank copies of child and family support service agreements, voluntary child care agreements;
- ☐ Information related to actions taken in response to any earlier financial audit or operational review commissioned by INAC or MCFD.

1.3 COMPLIANCE REVIEW READINESS CHECKLIST

This checklist includes a list of documentation that needs to be produced by the Agency, whether or not you have this documentation on hand, and, if not, what action the Agency will take to ensure the documentation can be made available.

REVIEW OF CASE FILES			
DOCUMENTATION	YES	NO	COMMENT/ FOLLOW UP REQUIRED
Verification that the child's parent is an Indian normally resident on reserve at time of apprehension or placement: – copy of Notice of Admission			
Verification of the legal status under Provincial legislation: – court document or voluntary care agreement (current/signed)			
Copy of SWS MIS to verify: – placement type (e.g., restricted, regular, level, staffed residential) – caregiver (name and address) – duration of placement (e.g., begin and end dates of each placement)			
Verification that rates paid to caregivers are consistent with provincial rates			

COMMENTS/OBSERVATIONS:

REVIEW OF FOSTER PARENT FILES			
DOCUMENTATION	YES	NO	COMMENT/ FOLLOW UP REQUIRED
Verification that foster parents have met provincial requirements for approval: – application and documentation supporting approval – Prior Contact Check (PCC) – Consent for Release of Information – medical form – Criminal Records form – three references – home study and assessment/ recommendations			
Verification that foster parents are approved to provide required level of care: – written assessment of child's placement needs/special needs – documentation of caregiver qualifications for levelled home and assessment of their level (e.g., list of completed training) – copy of home study – copy of Criminal Record Check – signed Foster Home agreement with caregiver			
Verification that payment to caregiver consistent with provincial policies: – Foster Home agreement that reflects appropriate level and payment			

COMMENTS/OBSERVATIONS:

ADMINISTRATIVE REVIEW			
DOCUMENTATION	YES	NO	COMMENT/ FOLLOW UP REQUIRED
Copy of comprehensive general liability insurance (CGL under Master Insurance Program)			
In case of non-profit society, have met reporting requirements (filed Annual Report, etc.)			
Assessment of financial control: e.g., documented process for cheque authorization, signing and reconciliation			
Verification of actual disbursements to caregivers (payment to within Provincial rates)			
Verification that INAC is billed in the appropriate category and level of care (foster, group and institution)			
Copy of human resources/personnel policy manual			
Copy of job descriptions			
Copy of organization chart			
Child welfare files maintained in: – confidential manner (e.g., policy in place for checking out files) – secure environment (locked files in a locked room)			

COMMENTS/OBSERVATIONS:

REVIEW OF DELEGATION ENABLING/CONFIRMATION AGREEMENT			
DOCUMENTATION	YES	NO	COMMENT/ FOLLOW UP REQUIRED
Personnel policies that address dual accountability of delegated staff to the employer and Director			
Director approval of procedures that address emergencies that arise both during and after office hours			
Protocols that identify the principles and the interface of roles and responsibilities between Agency and Ministry			
Records of appropriate Aboriginal Social Worker training, as offered by Caring for First Nations Children Society			
Criminal Records Review process that utilizes the <i>Criminal Records Review Act</i> and the Canadian Police Information Centre process			
Oath of Confidentiality satisfactory to the Director on file for all Agency employees			
Storage and retrieval of files reflect adherence to <i>Freedom of Information & Protection of Privacy Act</i> (FOIPPA) and <i>Access to Information Act</i>			
Case files/records maintained in a manner compatible with Ministry electronic file registry			
Complaints process as per Part 5, of the <i>Child, Family and Community Services Regulations</i>			
Joint Advisory/Management Committee in place and holds regular meetings. Terms of Reference established			
Reports filed as required by 20-1, Appendix D: BC Region Year End Reporting Guide; BC Region Allocation Reporting and Coding Handbook; Compliance Review Directive			
Agreement with MCFD for provincially billable children			
Current signed Delegation Agreement			