



Office of the Child and Youth Advocate
PROVINCE OF NEWFOUNDLAND AND LABRADOR

BUSINESS PLAN

2008 - 2011



Office of the Child and Youth Advocate

PROVINCE OF NEWFOUNDLAND AND LABRADOR

Message from the Child and Youth Advocate

I am pleased to present the Business Plan 2008 - 2011 for the Office of the Child and Youth Advocate. It reflects the Office's values, missions and goals for this planning cycle. Pursuant to the provisions of the *Transparency and Accountability Act*, the Office has been categorized as a Category Two entity. The Office will comply with the typical three year planning cycle as outlined in the legislation at the expiration of this plan.

This Business Plan has been prepared in accordance with the *Transparency and Accountability Act* provisions for a Category Two entity. As Child and Youth Advocate, I recognize my obligation under the Act and I am accountable for the preparation of this plan and for the achievement of the specific goals and objectives contained therein.

Darlene Neville

Darlene Neville
Child and Youth Advocate

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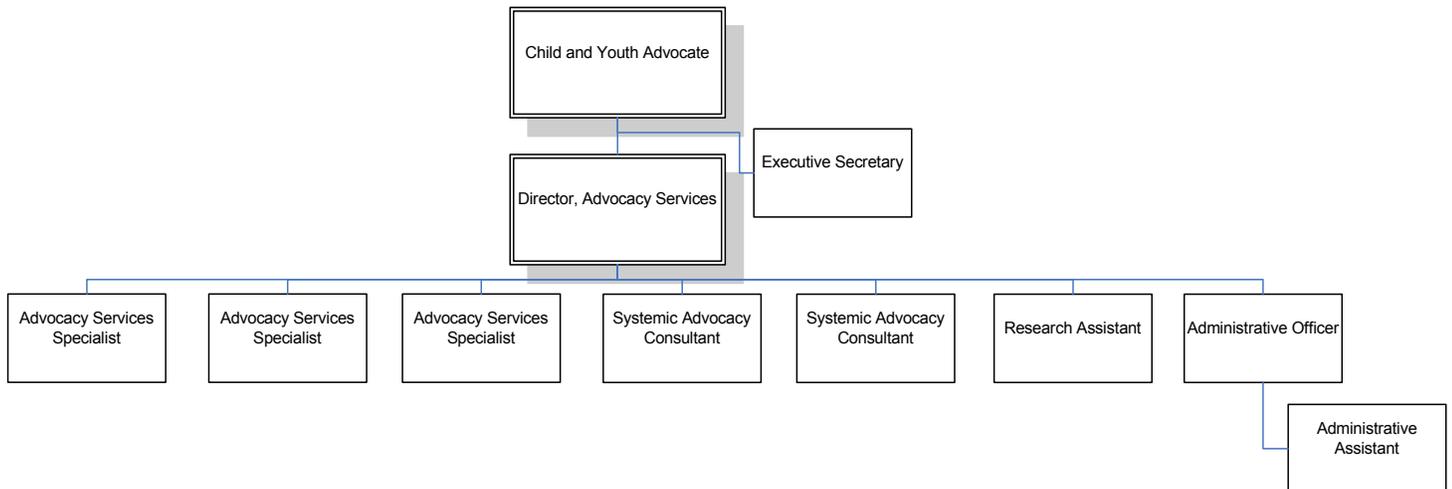
1.0 OVERVIEW

The Office of the Child and Youth Advocate opened on November 18, 2002. The Office was established by statute, *The Child and Youth Advocate Act*, which was proclaimed on May 12, 2002.

The current Child and Youth Advocate, Darlene Neville, was appointed to the position of Child and Youth Advocate on August 1, 2005, and her appointment was confirmed by resolution of the House of Assembly on November 29, 2005.

The Advocate is an Independent Officer of the House of Assembly and reports directly to the Legislature through the Speaker of the House. The staff of the Office of the Child and Youth Advocate are members of the Public Service, Government of Newfoundland and Labrador.

Advocacy services are provided to children and youth through a central office located in St. John's with outreach to all areas of the province. Services can be accessed through office visits, advocacy clinics held by staff throughout the province, use of a toll-free number and the website.



The Office has a total of 10 staff including: Executive Secretary; Director of Advocacy Services; two Systemic Advocacy Consultants; three Advocacy Services Specialists; Research Assistant; Administrative Officer; and Administrative Assistant.

The House of Assembly Management Commission approved a budget of \$983,400 for the Office of the Child and Youth Advocate for Fiscal Year 2008-2009. The details are noted below:

Salaries	\$624,100
Employee Benefits	3,000
Transportation and Communications	85,000
Supplies	10,000
Professional Services	42,000
Purchased Services	201,800
Property, Furnishings and Equipment	17,500
TOTAL	\$983,400

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2.0 Mandate

The Office of the Child and Youth Advocate was established by statute which may be cited as the *Child and Youth Advocate Act*, SNL. 2001 cC-12.01 (the "Act").

The mandate of the Office is contained in Section 3 of the *Act*, which states:

3. The Office of the Child and Youth Advocate is established
- (a) to ensure that the rights and interests of children and youth are protected and advanced and their views are heard and considered;
 - (b) to ensure that children and youth have access to services and that their complaints relating to the provision of those services receive appropriate attention;
 - (c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth;
 - (c.1) to review and investigate matters affecting the rights and interests of children and youth; and
 - (d) generally, to act as an advocate of the rights and interests of children and youth.

The powers and duties of the Child and Youth Advocate are contained in Section 15 of the *Act*, which states:

15. (1) In carrying out the duties of his or her office, the advocate may
- (a) receive, review and investigate a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (b) advocate or mediate or use another dispute resolution process on behalf of a child, youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (c) where advocacy or mediation or another dispute resolution process has not resulted in an outcome the advocate believes is satisfactory, conduct an investigation on behalf of the child or youth or a group of them, whether or not a request or complaint is made to the advocate;
 - (d) initiate and participate in, or assist children and youth to initiate and participate in, case conferences, administrative reviews, mediations, or other processes in which decisions are made about the provision of services;
 - (e) meet with and interview children and youth;

- (f) inform the public about the needs and rights of children and youth including about the office of the advocate; and
 - (g) make recommendations to the government, an agency of the government or communities about legislation, policies and practices respecting services to or the rights of children and youth.
- (2) The advocate may not act as legal counsel.

3.0 LINES OF BUSINESS

The *Child and Youth Advocate Act* mandates the Advocate to provide advocacy services on behalf of children and youth in four main capacities:

- Individual/Group Advocacy
- Emerging Issues/Systemic Advocacy
- Reviews and Investigations
- Public Education

Individual Advocacy

Individual Advocacy includes the provision of information, self-advocacy, basic and comprehensive advocacy services. Individual Advocacy differs depending upon the type of intervention provided.

- Information - involves the provision of information and/or referral to another government department, board, or agency.
- Self-Advocacy Assistance - involves the provision of information regarding programs, services, appeal procedures, options, and strategies, and may include coaching.
- Basic Advocacy Intervention - involves the provision of advocacy services requiring consultation and/or referral to other agencies and is usually completed within a short time frame. Advocacy staff engage in problem-solving strategies; make initial calls to service providers; and provide self-advocacy assistance.

- Comprehensive Advocacy Intervention - involves the provision of intensive advocacy intervention when basic advocacy intervention and/or self-advocacy assistance is not sufficient. Comprehensive Advocacy Intervention may involve in-depth self-advocacy coaching; meetings with multiple service providers; meetings with the child or youth and/or his or her natural advocate; attending/arranging case conferences/meetings; and engaging in alternate dispute resolution processes.

Emerging Issues/Systemic Advocacy

Emerging issue files relate to issues that appear to be impacting a group(s) of children and youth, but require further research to determine if the issues are systemic. Often, individual files highlight emerging issues which require further advocacy work. If an emerging issue is determined to be systemic, the emerging issues file is closed, and a systemic file is opened.

Systemic issue files are opened when issues presented to the Office of the Child and Youth Advocate impact a group(s) of children and youth and, therefore, require advocacy from a systemic perspective.

Reviews/Investigations

Reviews and investigations are carried out pursuant to Section 15 of the *Child and Youth Advocate Act*. The Child and Youth Advocate may review or investigate a matter on behalf of a child or youth, or group of them, whether or not a complaint has been made. On May 29, 2008 the *Child and Youth Advocate Act* was amended to provide subpoena powers to the Advocate to assist in the conduct of Reviews and Investigations.

Public Education

Section 3 of the *Act* requires the Advocate to “protect and advance the rights of children and youth.” In fulfillment of this mandate, advocacy staff engage children and youth, child and youth serving agencies, government departments, and the general public in discussions and consultations

regarding issues affecting children and youth in Newfoundland and Labrador. Also, staff provide presentations to such groups regarding the rights of children and youth.

Section 2 (c) of the *Act* defines a child

“child” means a person under the age of 16 years.

Section 2 (g) of the *Act* defines youth

“youth” means a person who is 16 years of age, but under 19 years of age and includes youth

- (i.) in care or custody under the *Child, Youth and Family Services Act*,
- (ii.) on remand under the *Criminal Code* or the *Youth Criminal Justice Act (Canada)*,
- (iii.) subject to a sentence under the *Criminal Code*, or
- (iv.) subject to a disposition under the *Youth Criminal Justice Act (Canada)*,

who is under 21 years of age.

Section 2(f) of the *Act* defines service

“service” means a service provided by a department or agency of the government to children and youth the principal objective of which is to benefit children and youth.

Section 2(b) of the *Act* defines agency of the government

“agency of the government” means a board, commission, association, or other body of persons, whether incorporated or unincorporated, included in the Schedule.

Section 2(e) of the *Act* defines department

“department” means a department created under the *Executive Council Act*, or a branch of the executive government of the province.

4.0 VALUES

The values expressed in this plan are intended to reflect values for the operation of the Office of the Child and Youth Advocate and the conduct of its staff.

Respect: Each individual is committed to protecting and advancing the rights of children and youth.

Collaboration: Each individual will work with others to maintain a cooperative work environment that contributes to the development of a strong, effective team required to “protect and advance” the rights of children and youth.

5.0 PRIMARY CLIENTS



Children (under 16 years of age) and youth (16 years of age, but under 19 years of age and, in the case of extended care or a custodial sentence, up to age 21) are the primary clients of the Office of the Child and Youth Advocate.

Sections 3 and 15 of the *Child and Youth Advocate Act* mandate/ authorize the Office of the Child and Youth Advocate to provide recommendations to government regarding the overall effectiveness of services for children and youth, including recommendations regarding changes to existing legislation, policy and service delivery.

Also, pursuant to Section 28 of the *Act*, the Advocate must report annually to the House of Assembly through the Speaker on the exercise and performance of her functions and duties under this *Act*. Both requirements reflect the government as a primary client of the Office.

6.0 VISION



The vision of the Office of the Child and Youth Advocate is a province where the rights and interests of every child and youth are protected and respected and each child and youth has access to all the government services they require.

7.0 MISSION

You Have Rights!

Office of the Child and Youth Advocate
PROVINCE OF NEWFOUNDLAND AND LABRADOR

Protects and advances your rights and interests

- Helps voice your concerns
- Works to make sure your concerns are taken seriously
- Helps you access government services and programs
- Informs and advises government about gaps in services and the need for improvements
- Advocates for your rights and interests

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The mission statement identifies the priority focus areas of the Child and Youth Advocate over the next planning cycle. It represents the key long-term result that the Office of the Child and Youth Advocate will be working towards as it implements its Business Plan.

It has been recognized that public education is required if the rights of children and youth are to receive the recognition and attention required to ensure their rights are accorded to them. Increased level of awareness is a prerequisite to “protecting and advancing” the rights and interests of children and youth.

Increasing awareness through public education is required to ensure that children and youth are aware of their rights and the existence of government services and programs related to their needs. Integral to promoting and advancing the rights of children and youth is promoting accessibility to government services and programs.

Therefore, promoting awareness of the rights and interests of children and youth, with a view to enhancing the delivery of advocacy services, shall constitute the priority focus of the Office of the Child and Youth Advocate for the next three years.

Mission Statement:

By 2011, the Office of the Child and Youth Advocate will have enhanced its processes to support increased awareness of the rights and interests of children and youth within the province.

Measure:

Enhanced processes.

Indicators:

1. Increased awareness regarding the rights and interests of children and youth and the existence of government programs and services available to them as provided by the Office of the Child and Youth Advocate through the following:
 - Increased number of advocacy clinics conducted.
 - Increased number of meetings with child/youth serving agencies and number of individuals who attended.
 - Increased number of presentations to students (K – 12) and number of students who attended.
2. Increased number of reports (includes both written and verbal communications) completed and presented to government.
3. Increased promotion by the Office of the Child and Youth Advocate of its reports, brochures and advocacy calendars.

8.0 ISSUES

The three-year plan of the Office of the Child and Youth Advocate (April 1, 2008 – March 31, 2011) is to continue its focus on promoting awareness of the rights and interests of children and youth and the existence of government programs and services available to them.

Awareness by Children and Youth

The *United Nations Convention on the Rights of the Child*, which Canada has ratified, is an International recognition of the rights of children and youth. It has also been recognized by the United Nations and party states to the *Convention* that the rights and interests of children and youth require protection and advancement.

The experience of the party states to the *UN Convention on the Rights of the Child* strongly supports the need for increased awareness amongst children and youth of their rights and of the government programs and services which enable them to exercise these rights. This awareness is viewed as essential to achieving the overall objectives of the protection and advancement of the rights and interests of children and youth.

Issue 1:

Awareness by children and youth.

Goal:

By March 31, 2011, the Office of the Child and Youth Advocate will have improved its educational advocacy services to children and youth throughout the province.

Measure:

Improved educational advocacy services.

Indicators:

- Increased number of advocacy clinics conducted throughout the province in comparison to 2008.
- Increased number of meetings with child/youth serving agencies throughout the province in comparison to 2008.
- Increased number of presentations to students (K-12) and the number of students who attended in comparison to 2008.
- Increased promotion of reports, brochures and advocacy calendars in comparison to 2008.

Objectives:

1. By March 31, 2009, the Office of the Child and Youth Advocate will have held more advocacy clinics and meetings with child/youth serving agencies throughout the province.

Measure:

Improved educational advocacy services.

Indicators:

- Increased number of advocacy clinics conducted throughout the province in comparison to 2008.
 - Increased number of meetings with child/youth serving agencies throughout the province in comparison to 2008.
2. By March 31, 2010, the Office of the Child and Youth Advocate will have completed more presentations to students (K-12) and the number of students who attended throughout the province in comparison to 2009.

3. By March 31, 2011, the Office of the Child and Youth Advocate will have increased its promotion of reports, brochures and advocacy calendars throughout the province in comparison to 2010.

The Need for a Systemic Advocacy Approach

The legislative intent of the *Child and Youth Advocate Act* requires that the Office of the Child and Youth Advocate provide an independent perspective regarding the availability, effectiveness, responsiveness and relevance of services to children and youth within the province. This perspective is necessary to ensure that government is better informed of the issues impacting children and youth and, therefore, better able to ensure the issues are addressed appropriately.

When it has been determined by the Office of the Child and Youth Advocate that issues presented to the Office impact groups of children and youth within the province, a systemic advocacy approach is required. This approach requires preparation of formal reports provided to government which identify gaps in services and contain recommendations regarding the need for improvements in the areas of policy, legislation and service delivery related to children and youth.

Issue 2:

Recommendations to government regarding issues of a systemic nature affecting children and youth within the province

Goal:

By March 31, 2011 the Office of the Child and Youth Advocate will have better informed government on issues of a systemic nature affecting children and youth within the province.

Measure:

Improved Information.

Indicators:

- Increased number of reports (includes both written and verbal communications) containing recommendations provided to government regarding systemic issues affecting children and youth in comparison to 2008.

Objectives:

1. By March 31, 2009, the Office of the Child and Youth Advocate will have increased the number of reports containing recommendations provided to government in comparison to 2008.

Measure:

Improved information.

Indicators:

- Increased number of reports (includes both written and verbal communications) containing recommendations provided to government regarding systemic issues affecting children and youth in comparison to 2008.
2. By March 31, 2010, the Office of the Child and Youth Advocate will have increased the number of reports (includes both written and verbal communications) containing recommendations provided to government in comparison to 2009.
 3. By March 31, 2011, the Office of the Child and Youth Advocate will have increased the number of reports (includes both written and verbal communications) containing recommendations provided to government in comparison to 2010.

Reviews of Government Programs and Services

Pursuant to Section 15 of the *Child and Youth Advocate Act*, the Advocate is authorized to

Receive, review and investigate a matter relating to a child or youth or a group of them, whether or not a request or complaint is made to the advocate;

The *Act* provides discretionary powers to the Advocate to decide which cases involving the provision of government programs and services will be reviewed. However, in exercising this discretion, the Advocate considers cases where the information suggests the standard of service did not ensure the rights and interests of children and youth were protected and appropriately addressed.

The Advocate is also required to review matters brought to her attention by the specific direction of the Lieutenant-Governor-in-Council pursuant to Section 16(a) of the *Act*.

The underlying rationale for conducting Reviews of cases, where the inadequacies in areas of service and program delivery appear to be significant, is the requirement that the Advocate identify these inadequacies and provide recommendations for the improved delivery of services in either the specific case under review or in the general delivery of services and programs to children and youth.

Issue 3:

Reviews of government programs and services.

Goal:

By March 31, 2011, the Office of the Child and Youth Advocate will have supported the improvement of government services and programs provided to children and youth.

Measure:

Supported improved delivery of services.

Indicators:

- Increased number of completed Reviews related to Government programs and services provided to government in comparison to 2008.

Objectives:

1. By March 31, 2009, the Office of the Child and Youth Advocate will have increased the number of Reviews completed related to government programs and services in comparison to 2008.

Measure:

Supported improved delivery of services.

Indicators:

- Number of completed Reviews provided to government.
2. By March 31, 2010, the Office of the Child and Youth Advocate will have increased the number of Reviews completed related to government programs and services in comparison to 2009.
 3. By March 31, 2011, the Office of the Child and Youth Advocate will have increased the number of Reviews completed related to government programs and services in comparison to 2010.