

OPSEU's response to the Report of the Residential Services Review Panel

November 1, 2016

“When young people must face the enormous burden of living life away from home, saddled with often traumatic experiences of abuse, neglect, and abandonment, they rely on out-of-home care settings to provide them not only with the necessities of life, but also with the love, nurture, sense of belonging and safety that will allow them to grow, to dream and to excel.”

– Because Young People Matter (Report of the Residential Services Review Panel)



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Introduction

In July 2015, the Ontario government commissioned the Residential Services Review Panel to conduct a system-wide review of the province's child and youth residential services system. The review examined foster and group care, children and youth mental health residential treatment, and youth justice facilities. The Panel completed its report in February 2016; the Ministry of Children and Youth Services (MCYS) released it to the public in July 2016.

The Ministry-funded report exposes a broken, fragmented system and makes 33 sweeping recommendations to MCYS.

The current dismal state of residential services was first profiled in 2006 by a government-commissioned review carried out by the Bay Consulting Group. The review was the first time that MCYS had gathered systemic provincial data on residential services for child welfare, children and youth mental health, children with complex needs, youth justice, and child and youth developmental services.

Ten years ago the authors of the report found that:

...many communities across the province have multiple points of access and, consequently, families must navigate their way through a confusing and complex series of services; quality of services in parts of the residential services sector is affected by a lack of staff training and underpaid front-line staff and also by a licensing mechanism that needs to focus more on quality and care standards; the inconsistent funding levels between Transfer payment agencies and directly operated facilities that may contribute to variations in care and quality of service; and the variations in the availability of residential services and beds across the province that contribute to difficulties in access, waiting lists and a high number of children and youth who are being served far away from their homes." (*Bay Consulting Group. (2006). The Bay Report. Retrieved from <http://secure.oarty.net/opendocasp?docID=104>*)

Sadly, the issues identified ten years ago persist today – with one key difference: bed capacity in the system has dramatically declined. There are 35 per cent fewer beds today. In 2006, there were 24,846 licensed residential beds. In 2016, there are approximately 16, 115 beds. Over the last 10 years, Ontario has eliminated approximately 8,700 children's residential beds.

While OPSEU endorses many of the recommendations in the report of the Review Panel, we are concerned that the report fails to adequately highlight the chronic underfunding for residential services that has reduced bed capacity in the system over the last decade.

According to the employer group, Children's Mental Health Ontario (CMHO), the funding crisis in residential services has reached a tipping point with increasing demand. In its 2016 report, *Residential Treatment: working towards a new system framework for children and youth with severe mental health needs*, the CMHO concludes, "Service providers can no longer afford to keep up with increasing demand and many are being forced to reduce their treatment beds and/or close their residential programs altogether. Pressures in the residential treatment system are subsequently increasing emergency department usage and in-patient hospital admissions."

Ontario Residential Services Snapshot 2016 (MCYS)

- There are an estimated 16,115 beds in the system.
- 17,000 children and youth currently live in residential services.
- 6,000 beds are used by Crown wards.
- MCYS has issued over 600 licenses to transfer-payment agencies and per diem-funded operators.
- MCYS spends \$1 billion a year to run residential care (one-third of its budget).
- There are 430 children's group homes and 138 foster care agencies in operation in Ontario.
- The Youth Justice Services Division of MCYS provides an additional 802 residential beds in 59 dedicated youth justice open-custody and secure-custody/detention facilities.
- The Child and Parent Resource Institute of MCYS operates an additional 59 residential beds.

Report highlights and OPSEU recommendations

Governance (accountability and funding)

In its report, the Panel recommended that:

1. The Ministry create one unified, integrated governance structure within the Ministry (a Quality of Residential Care Branch/Division) to provide systemic oversight and accountability for all residential services through mechanisms that have at their core, the foundation and elevation of quality of care. The new structure is envisioned to have four core components: Quality Inspectorate; Data Analytics Reporting Unit; Continuity of Care Unit; and, an Advisory Council.

#5. Key capacities for understanding the experiences of all those with experience in residential services at both a single point in time and over time be developed, including:

- a. A mechanism developed by the Quality Inspectorate to provide opportunities for all young people to report on their experiences in any placement, post discharge.
- b. A systematic sample based survey be administered every 2 years to gather feedback from foster parents, and front-line staff about their experiences in residential services.
- c. The capacity to track the trajectories of young people who receive residential services. This could be in the form of a unique residential service client identifier or a residential service information module common to all sectors.
- d. The capacity across residential services for data collection and reporting in a transparent manner, based on the principle of self-identification by children, youth and service providers, and in partnership with the appropriate group:
 - i. residential service trends specific to First Nations, Métis and Inuit children and youth across all residential service sectors.
 - ii. the number of young people in out-of-home care within specific cultural, racial, faith, or gender groups (including trans).

#6. The Ministry create a third category of customizable licenses for services that fall outside of the existing two categories to ensure that children in out of home care only be placed in licensed residences, and to mitigate against young people being placed in unlicensed programs that often have untrained live-in staff supported by one to one workers under Special Rate Agreements, with limited oversight over quality of care or even safety considerations.

#7. The impact of licensing as a mechanism to ensure oversight and accountability be maximized by:

- a. Enabling a broad range of designates to conduct unannounced inspections at any time.
- b. Creating more meaningful consequences for non-compliance through progressive consequences, potentially beginning with administrative monetary penalties of graduating levels, and ending with broader criteria for the removal of a license.
- c. Enabling a common approach to the interpretation and application of licensing standards through centralized training and access to clearinghouse decisions.

#8. A centralized, publicly accessible, web-based directory of all licensed service providers across the province be created to maximize opportunities for system planning, placement decisions, and oversight of a decentralized approach to residential services.

#9. A commitment to accountability through public reporting (in addition to the publication of licensing information) be facilitated through:

- a. Annual progress report from the Quality of Residential Care Branch/ Division.
- b. Public reporting of Recommended Service and Outcome Indicators.
- c. An independent study assessing the quality care, continuity of care and outcomes of children and youth in out-of-home care at a defined period of time (e.g. Every 5 years) to be presented to the Legislature by the Minister of Children and Youth Services to provide an external complement to internal oversight mechanisms.

#10. A comprehensive review of current per diems across the province and the per diem rate setting and review process for both transfer payment and privately-operated service providers be undertaken by the Ministry, with particular attention paid to the variation in rates across Ontario for similar services, increases in cost of living and the necessary adjustment of staff

salaries aligned with such increases, as well as the cost implications of the recommendations related to human resources.

#11. The use of Special Rate Agreements (SRAs) be subject to rules and regulations aiming at higher levels of accountability and more effective child and youth centered practice. To this end:

- a. The number of young people with SRAs, in any one residential program, be limited to two.
- b. Where SRAs involve the use of one-on-one workers, such agreements be reviewed every 30 days with a view to reducing the intrusiveness to children and youth.
- c. The hourly compensation for workers assigned to young people on a one-on-one basis be equitable in relation to other residential staff. d. The pre-service educational qualifications for one-on-one workers under SRAs be the same as for all other residential care workers. e. Training focused on quality practice be required for all one-on-one workers by service providers.

#12. Dedicated funding for research about residential services in Ontario be established and managed by the Ministry.

OPSEUs' response:

1. We agree with all of the above recommendations. We urge the government to provide dedicated, stable funding to support the recommended changes outlined in this report. Improved licensing requirements, regular inspections, a central database to track youth in care, and public reporting – these are all positive recommendations intended to mitigate the historic damage done by a fragmented and poorly funded system. Improving regulatory oversight is fine, but it will not provide services to those who need them most. That takes a serious financial commitment.
2. We recommend that the number of mental health beds for children and youth be expanded in every community. In the absence of mental health community services, and with nowhere else to go, families are increasingly turning to the health and child protection systems. There has been a documented rise in the number of children and youth accessing emergency hospital services and in-patient admissions. Child protection workers in the system assert that if treatment services and beds were available when

needed, they would see fewer desperate parents coming through the CASs to access residential beds.

3. We agree that salaries need to be aligned as recommended in the report but we would go further. We recommend that the profit motive be removed from delivering residential care to vulnerable youth. The per diem funding model for residential beds has given rise to the increase in for-profit operators. The Panel report contrasted public sector residential care work with private per diem operated programs, and concluded that the private operators fund precarious work: *"In many settings front-line residential care positions can be described as precarious employment, generally characterized as poorly paid, insecure, unprotected and with insufficient income to support a household"* (pp. 60).
 - The per diem model is a failure. We recommend that the public sector (not-for-profit agencies funded by transfer payments), which the report authors credit as providing decent employment, should be the standard for all residential service provision. Investments need to be made to expand public provision of services through block funding instead of diverting public dollars to expanding the for-profit system.
 - Per-diem agencies are funded through a daily per-diem rate based on occupancy. Payment is made only when services have been delivered; unused capacity is not funded. The pay-as-you-go model has dramatically reduced capacity in the system and has introduced competition for beds amongst providers. This has comprised quality care.
 - For-profit care for vulnerable children is ethically wrong. Agencies compete for children and youth with the most complex issues because their per diem rates are higher and therefore more lucrative.
 - Youth frequently cross over between youth justice, child welfare and children's mental health systems. Unfortunately, the way these services are funded for residential care encourages the sectors to compete with each other for residential bed funding. This often creates results that are not good for children and youth. In many cases, young people have been moved across the province to access a mental health bed.

4. The Panel report recommends that the Ministry invest in developing programming and data analysis capacity rather than create new data collection systems. The Child Protection Information Network (CPIN), a province-wide child welfare information management system, is one of the current systems that is noted for its potential to be used to centralize data collection for residential services. We caution the government in proceeding with any plan to expand the scope of CPIN. As the report noted, the Auditor General pointed out problems with implementation issues and significant cost overruns and delays.

Training and Education

The Panel recommended that:

#13. A requirement for pre-service credentials be introduced whereby all front line staff in residential care must have completed at minimum a college level diploma in a human service discipline:

- a. Current staff members in residential settings have up to five years to meet this requirement.
- b. MCYS move towards establishing child and youth care practice as the required credential for residential work over the course of the next ten years.
- c. Pre-service credential requirements apply to full-time, part-time, and designated one-to-one staff in group care as well as to workers assigned to foster homes or family-based care.
- d. Modified requirements are to be developed for Aboriginal people taking into account local resources and contexts in partnership with First Nations, Inuit and Métis communities.

#14. Eligibility for supervisory positions in residential services be contingent on completion of a certificate. Such certificate shall be based on a curriculum specifically designed to enhance the capacity of supervisors to support staff in the provision of therapeutic care based on relational practices.

#15. A two-week new worker training program be developed for all front-line residential service positions (with the exception of youth justice) based on core competencies including

life-space interventions, strength-based relational practice, ethical decision making and the unique context of Aboriginal, LGBTQ2S, Black youth and other groups.

OPSEUs' response:

The Panel report highlights the glaring gaps in wages, credentials and training across the sector. Implementing a human resources strategy to improve retention and attract qualified, committed workers to this field will require a commitment to improve working conditions across the board. The report recommends that the current workforce obtain at minimum a college level diploma.

5. The Ministry must consult with unions through a central provincial table regarding changes that will impact the unionized workforce.
6. We agree that standardized training should be provided to all frontline workers. Training should be provided by employers during work time and at employer cost.
7. The requirement for current staff to obtain a college diploma within five years is financially onerous. Costs for educational requirements should be covered by the Ministry and/or employers. A standard for equivalency should be determined to account for a combination of experience and a related diploma.
8. Wages must be commensurate with upgrading. Higher wages across the sector must be established to attract and retain a stable, qualified workforce.

Open custody, secure custody, and detention

The Panel recommended that:

#18. The two separate systems of secure custody and detention (directly and transfer payment operated) be harmonized and integrated into a single system to ensure that the placement and transfer process considers the entire array of resources to meet the needs of youth, resources are maximized, training is standardized and best practices are shared and scaled up system-wide.

#19. Consideration be given, where demand is demonstrated, to converting youth justice open custody residences with excess capacity to youth residences serving the full spectrum of youth

justice-engaged youth requiring stable housing including: open custody youth; youth transitioning from open and secure custody requiring reintegration support; youth on probation; and youth for whom a stable residence is required to qualify for bail.

#20. A review of the remaining excess capacity in youth justice open custody and detention as well as secure custody and detention be conducted and excess capacity be rationalized. Any savings accrued should be reinvested in residential services for youth, to address areas in which there is inadequate investment.

#21. Standards and best practices from all operators with respect to relationship custody be documented and form the basis of training for all youth justice open and secure custody and detention staff in both transfer payment and directly operated facilities.

#22. The Ministry ensure that the frequency and duration of Secure Isolation is minimized as required by legislation and policies and that conditions in Secure Isolation are not punitive. This will require that the Ministry sustain its current efforts on an ongoing basis.

OPSEUs' response:

Since the introduction of the *Youth Criminal Justice Act* in 2003, custody admissions have declined by 72 per cent and detention admissions by 33 per cent. The sector is undergoing radical changes as a result of a legislative emphasis on prevention and diversion. Closed and open custody facilities have been closing or are being piloted to offer reintegration housing options for youth.

9. We agree with the recommendation to integrate the two separate systems.
 - OPSEU recommends that the single system be directly operated and run by MCYS.
 - A single system operated by MCYS would improve training, hiring practices, health and safety, policies and procedures, standards and compensation.
 - Currently, employers in transfer payment agencies are exempt from providing WSIB workplace insurance coverage and often offer minimum coverage, funded entirely by employees.
 - The health and safety of workers in youth secure custody/detention and open custody has been a key issue. Workers in transfer payment agencies work with a

population of youth that can be dangerous, violent, and often struggling with mental illness. Unlike in ministry-operated facilities, workers in these settings do not always have standardized safety equipment, adequate staffing, training or WSIB coverage.

10. We agree with the recommendation to transfer youth in custody with specific needs for more than 30 days to other facilities with specific programs offering specialized support.
11. We agree with the recommendation to minimize secure isolation.
12. We agree with the expanded use of beds to be used in open custody facilities to assist youth transitioning back to the community after being in detention.

Conclusion

The Report of the Residential Services Review Panel captures a system-wide breakdown. In our view, this has been years in the making.

Social services to vulnerable populations have consistently been underfunded compared to health and education envelopes. Providing stable, responsive, caring and adequate services requires accountable ministry oversight that ensures that dedicated resources work to improve the outcomes of our most vulnerable populations.

To realize a truly accountable and quality-driven provision of services, the government must shift gears away from privatizing services to for-profit providers and must champion the public not-for-profit provision of services.

The last recommendation in the Panel report recommends that “young people who experience mental health or other crises while in residential care receive services where they live. Additional services and supports should be provided to the young person in order to prevent a change of placement.” This recommendation speaks volumes as to how far we have gotten from client-centered care. Let’s start a discussion that begins with what do we need – not how much it will cost.