

OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH



---

---

---

---

---

---

---

---

AN OVERVIEW



- The Office of the Provincial Advocate for Children & Youth was created by the *Provincial Advocate for Children and Youth Act, 2007* and established as an independent office of the Legislative Assembly of Ontario
- Prior to the creation of the Office of the Provincial Advocate for Children & Youth ("Advocate's Office"), advocacy services were provided to children, youth and their families through the Office of Child and Family Service Advocacy (OCFSA) within the Ministry of Children and Youth Services. OCFSA was established in 1978.

2

---

---

---

---

---

---

---

---

Provincial Advocate for Children and Youth Act, 2007: **PURPOSE**



- To provide an independent voice for children and youth, including First Nations children and youth and children with special needs, by partnering with them to bring issues forward;
- To encourage communication and understanding between children and families and those who provide them with services; and
- To educate children, youth and their caregivers regarding the rights of children and youth

---

---

---

---

---

---

---

---

### OVERVIEW

The Advocate's Office serves children and youth being cared for by government services through individual, systemic and policy advocacy



4

---

---

---

---

---

---

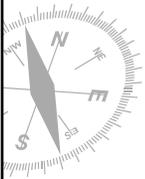
---

---

### VISION



The voices, rights and dreams of children and youth inspire and drive everything we do



5

---

---

---

---

---

---

---

---

### VALUES

The Office of the Provincial Advocate for Children and Youth will be guided in every action and at every level by the following values:

- Excellence (professional, knowledgeable, creative and flexible)
- Integrity (loyal, honest, trustworthy)
- Respect (polite, open-minded, supportive and understanding)
- Accountability (reliable and responsible)



6

---

---

---

---

---

---

---

---

### VALUES

- The Advocate's Office is guided by the principles of the UN Convention on the Rights of the Child (UNCRC) and has a strong commitment to youth involvement
- The Advocate's Office is also guided by federal and provincial legislation i.e. CFSA, YCJA, Education Act



7

---

---

---

---

---

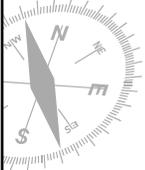
---

---

---

We partner with children and youth to make change for:

- Individual children and youth
- The systems which serve them
- The policies that affect them



8

---

---

---

---

---

---

---

---

### CCPCYA

- The Advocate's Office is a member of the Canadian Council of Provincial Child and Youth Advocates
- The CCPCYA is an alliance of provincially appointed children's advocates from across the country
- Although the mandate of each office differs, the CCPCYA shares a common commitment to further the voice, rights, and dignity of children and youth



9

---

---

---

---

---

---

---

---

### Exemplar of Youth Participation

- The Advocate's Office tries hard to maintain a high standard for youth participation at every level of the organization
- This has been accomplished in part by the creation of youth "hubs" across the province, consultation groups that advise the Advocate's Office on issues spanning from office design, to strategic directions, to inquest recommendations




---

---

---

---

---

---

---

---

### "Nothing About Us – Without Us"

- The primary goal of child and youth advocacy is to elevate the voice of youth.
- It is more than empowering youth to speak out on their own behalf and more than replaying their words
- The standard to aspire to is expressed in an African proverb: "Don't speak about us, without us." It means speaking together with youth about youth.
- Advocacy can be viewed as assisting children and youth in finding their own power from within and teaching them to use it effectively.




---

---

---

---

---

---

---

---

### Who is included? Children and Youth:

Who receive or seek services approved under the CFSA and YCJA. These services are listed below:

- Child Development Services (services for children with developmental or physical disabilities)
- Child Treatment Services (services for children with a mental or psychiatric disorder)
- Child Welfare Services
- Community Support Services
- Youth Justice Services




---

---

---

---

---

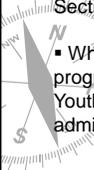
---

---

---

Who is included? Children and Youth (cont):

- Who are held in court holding cells and being transported to and from court holding cells
- Who are pupils of provincial schools for the deaf, schools for the blind or demonstration schools under Section 13 of the Education Act
- Who are admitted to an emergency secure treatment program under the CFSA ( i.e. Robert Smart and Youthdale) to explain their rights to a review of the admission




---

---

---

---

---

---

---

---

Who is included? Children and Youth (cont):

- Aboriginal/First Nations children on and off reserve
- Children who have died while in government care



14

---

---

---

---

---

---

---

---

“Margins of State Care”

- Children and youth seeking or receiving service from child and youth serving agencies
- Former children and youth in state care
- Those groups of children and youth over-represented in our justice and child welfare systems including First Nations children and youth, children and youth with special needs and children and youth living in shelters.



15

---

---

---

---

---

---

---

---

### The Powers of the Act

- Receive and respond to complaints
- Conduct reviews
- Make reports
- Provide advice and make recommendations to entities including governments, ministers, agencies and service providers
- Provide advocacy to children and youth who are appearing before a court, tribunal or a body that is reviewing their care, custody or detention disposition (the Advocate does not act as legal counsel for children or youth who appear before these bodies)
- Where an investigative authority is conducting an investigation, provide advocacy for the child or youth that does not interfere with the investigation

---

---

---

---

---

---

---

---

### The Powers of the Act

- Provide information to children youth and their families on how to access approved services
- Provide public education about the rights of children, The Provincial Advocate for Children and Youth Act and the role of the Advocate
- Receive and respond to complaints from children and youth who are pupils of the Provincial Schools for the Deaf, Schools for the Blind, and Demonstration Schools
- Receive and respond to complaints from children and youth about court holding cells and transportation to and from court holding cells
- Meet with children and youth who have undergone emergency admission to a secure treatment program and advise of their rights to review that placement

---

---

---

---

---

---

---

---

### Advocacy to children and youth during investigations

To Ensure:



- Investigation is fair, effective and transparent
- All relevant allegations are investigated
- All potential witnesses are interviewed
- Child/youth treated fairly and appropriately and not subject to retribution or reprisals




---

---

---

---

---

---

---

---

### Child's/Youth's Right to Access the Advocate - CFSA

- A child in care has a right to speak in private with and receive visits from another person representing the person, including the Provincial Advocate for Children and Youth
- A child in care has the right to be informed of the existence of the Office of the Provincial Advocate for Children and Youth



19

---

---

---

---

---

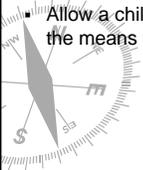
---

---

---

### Legislated Obligations of Others – Provincial Advocate for Children and Youth Act

- Inform children and youth about the existence and role of the Advocate and how the Advocate may be contacted
- Allow a child or youth who wishes to contact the Advocate the means to do so privately and without delay



20

---

---

---

---

---

---

---

---

### Rights Based and Best Interests

- The Advocate's Office takes a rights based approach to advocacy. The Advocate's Office is guided by the voice of the young person; the UN-CRC; and federal and provincial legislation and policies.
- Best interests cannot be used as a means to deny a child or youth their rights



21

---

---

---

---

---

---

---

---

### ADVOCACY

- The legal obligation of the Advocate is to represent the views and preferences of children and youth
- The legal obligation of service providers under the CFSA is to promote the best interests, protection and well being of children.
- The UN-CRC requires that States Parties ensure that the best interests of the child are the primary consideration in all actions concerning children.

---

---

---

---

---

---

---

---

### UNCRC *Implementation Handbook* and Best Interests

- All decision making concerning a child's care must take account of the best interests principle
- Children have a right to be heard in all cases where they are capable of expressing an opinion or preference
- Interpretation of best interests must be consistent with the whole convention including the obligation to protect children from all forms of violence
- A claim of "best interests of the child" cannot be used to justify practices, including corporal punishment and other forms of cruel or degrading punishment which conflict with a child's right to human dignity and right to physical integrity

---

---

---

---

---

---

---

---

### UNCRC *Implementation Handbook*: Best Interests (cont)

- Includes consideration of both short and long term best interests
- States cannot use their own interpretation of best interests to deny rights
- States cannot interpret best interests in an overly culturally relativist way

---

---

---

---

---

---

---

---

### Conflicting Best Interests

The *Implementation Handbook for the Convention on the Rights of the Child* recognizes that there may be competing or conflicting human rights interests (e.g., between individual children, between different groups of children and between children and adults

- Each individual child's interests must be the subject of active consideration
- It must be demonstrated that the child's best interests have been explored and taken into account as a primary consideration
- The best interests of children should not be undermined by adults interests




---

---

---

---

---

---

---

---

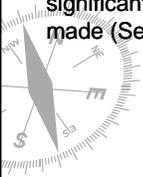
---

---

### Right to Be Heard - CFSA

Child and Family Services Act

- A child has a right to be consulted and to express his or her views to the extent that it is practical given the child's level of understanding whenever significant decisions concerning the child are made (Section 107)




---

---

---

---

---

---

---

---

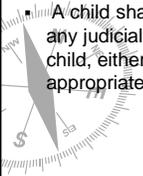
---

---

### Right to be Heard - UNCRC Article 12

United Nations Convention on the Rights of the Child

- A child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his/her age and maturity; AND
- A child shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body.




---

---

---

---

---

---

---

---

---

---

### Access to Information



With respect to the issue of the Office of the Provincial Advocate for Children and Youth and access to information, our agreement with MCYS is that an Advocate's attestation that a child/youth has consented to the Office of the Provincial Advocate for Children and Youth seeking the information is sufficient and a signed consent from the young person is not required.



28

---

---

---

---

---

---

---

---

### Case or Individual Advocacy

- Based upon calls or complaints and requests for help received by our office from individual children and youth (and sometimes their families)
- Mostly delivered by Advocates that are on the "Individual Rights Advocacy Team"
- Advocates rotate the responsibility for "Intake" or calls that come into the office on a daily basis
- Individual cases and the work that this generates informs the systemic work/advocacy of the Advocate's Office



---

---

---

---

---

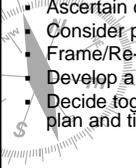
---

---

---

### Case or Individual Advocacy

- Establish rapport – professional and objective
- Listen to the child or young person
- Identify the issues
- Set appropriate boundaries – inquiry vs. advocacy
- Ask questions to seek out information regarding issues and interests
- Ascertain child's/youth's objectives
- Consider possible options
- Frame/Re-frame the issue(s)
- Develop a plan with the child or young person
- Decide together who is responsible for implementing the plan and timelines



---

---

---

---

---

---

---

---

### Case or Individual Advocacy

- Advise the child or young person of the Advocate's Office process - who does what and when; when the child/youth can expect a response back
- Obtain consent from the child or youth for the Advocate to act on the agreed upon plan and specify the actions that the Advocate will take
- Gather additional information (e.g. perspectives of others, paperwork, etc.)
- May need to re-evaluate options and strategy once information has been gathered
- Continue to determine the most appropriate course of action with the child or youth and obtain consent from client
- Identify issue, plan and expected outcome.

---

---

---

---

---

---

---

---

### What makes a good "Individual Rights " Advocate?

Comments from a youth:

1. "Caring"- about the youth, about the job, about change and about doing the job well - "pride in what you do"
2. "Honesty because it builds trust"
3. You need trust to work together
4. A good working relationship - when things get tough you need a good relationship "to work though the hard times"
5. Persistence - assertive, "don't take no for an answer"
6. Courage to speak out in a meeting - to be the lone voice, the dissenting voice
7. [Dedicated to seeking] Knowledge - being willing to research, open to learn, try new avenues, admit when you need more information or other resources to help.

---

---

---

---

---

---

---

---

### Systems Advocacy

- Systems advocacy refers to advocacy initiatives in the context of organizations/agencies or community that will influence programs and practices to benefit children/youth
- All systems advocacy is generated by individual rights (case) advocacy. When it is clear that policies and practice in agencies interfere with the quality of life and development of children and youth, then systemic advocacy is required

---

---

---

---

---

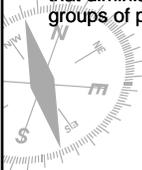
---

---

---

### Policy Advocacy

- Refers to advocacy tactics, strategies and initiatives which target changes to policies and legislation
- These initiatives seek to establish new policies, improve existing policies or challenge the development of policies that diminish resources and opportunities for vulnerable groups of people such as children and youth




---

---

---

---

---

---

---

---

### Policy Advocacy

- Policy generally refers to 'social' policy
- Policy advocacy usually seeks to engage various sectors of the government which includes: public servants, bureaucrats, political appointees, elected officials and legislators




---

---

---

---

---

---

---

---

### Systemic Reviews

Providing advocacy to a group of children or youth who are in similar circumstances:

- Either in response to a complaint or request by one child or youth or on the Advocate's own initiative
- Includes the review of facilities, systems, agencies, service providers and processes




---

---

---

---

---

---

---

---

### Criteria for a Review

- Significant number of complaints from a particular facility
- Seriousness of complaint
- System responsiveness  
(Example: a facility has consistently failed to respond effectively to the complaints of children/youth)
- Provincial Advocate decides to conduct a review



37

---

---

---

---

---

---

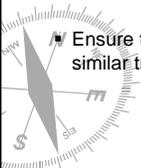
---

---

### Children's Residences, Custody Settings and Advocates Systemic Response

Goal:

- Ensure that concerns of children and youth about their placements are identified, fully investigated by the appropriate authorities and addressed
- Ensure that other young people are not subject to similar treatment



38

---

---

---

---

---

---

---

---

### Systemic Response (continued)

- An advocacy initiative targets, provokes, and influences change. An advocate may create a climate for change and bring decision makers to a position of having to act
- But it is conflictual for that advocate to then participate in, or direct the change process
- Change in policy or practice must be developed by those responsible for its implementation, such as governments or service providers



39

---

---

---

---

---

---

---

---

**Contact Information:  
The Office of the Provincial Advocate for  
Children and Youth**

- Toll Free Line: 1-800-263-2841
- Web Site: <http://provincialadvocate.on.ca>
- [Lee.tustin@provincialadvocate.on.ca](mailto:Lee.tustin@provincialadvocate.on.ca)



40

---

---

---

---

---

---

---

---