

# Children's Aid Society of Brant



**NATIVE SERVICES PROVISIONS  
OF CFSA**

**A DISCUSSION PAPER ON  
CHANNELS OF COMMUNICATION**

**NATIVE SERVICES PROVISIONS  
OF C.F.S.A.**

**CHANNELS OF COMMUNICATION**

The purpose of this paper is to provide a framework to reinforce within the organization communication channels and to establish same with the Indian Communities of Six Nations and Mississaugas of the New Credit.

**LEGISLATIVE REQUIREMENTS**

The Child & Family Services Act makes general and specific provisions for Indian and Native people.

**GENERAL PURPOSE (Section 1(if))**

To recognize that Indian and Native people should be entitled to provide, wherever possible, their own child and family services and that all services to Indian and Native children and families should be provided in a manner that recognizes their culture, heritage, traditions, and the concept of the extended family.

The General Purpose provision is enunciated in the working provisions of the Act as follows:

1. **BAND REPRESENTATION ON C.A.S. BOARD OF DIRECTORS (Sec. 13(3))**

An approved Agency that provides services to Indian or Native families shall have the prescribed number of Band or Native Community representatives on its Board of Directors, appointed in the prescribed manner and for the prescribed terms.

2. **COURT ORDER FOR PROTECTION (Sec. 37(4), 53 & 57**

Where a person is directed in this Part to make an Order or

determination in the best interests of a child and the child is an Indian or Native person, the person shall take into consideration the importance, in recognition of the uniqueness of Indian and Native culture, heritage, and traditions, of preserving the child's cultural identity.

3. CHILD PLACEMENT (Sec. 53(5))

Where the child referred to in Subsection 4 is an Indian or a Native person, unless there is a substantial reason for placing the child elsewhere, the Court shall place the child with:

- (a) a member of the child's extended family;
- (b) a member of the child's Band or Native Community; or,
- (c) another Indian or Native family.

3(i). CHILD PLACEMENT (Sec. 57(2d))

The Society having care of a child shall choose a residential placement for the child that:

- where the child is an Indian or a Native person, is with a member of the child's extended family, a member of the child's Band or Native community or another Indian or Native family, if possible.

4. ADOPTION (Sec. 130(3))

Where a person is directed in this Part to make an Order or determination in the best interest of a child and the child is an Indian or Native person, the person shall take into consideration the importance, in recognition of the uniqueness of Indian and Native culture, heritage, and traditions, of preserving the child's cultural identity.

To implement these working provisions, Bands have appointed representatives to act on their behalf in relationship to the service provisions of the Child & Family Services Act.

A publication entitled "**Child & Family Services Act Reference Manual for Indian Band Representatives**" describes the roles and responsi-

bilities of Indian Band representatives as it relates to the CFSA. The roles and responsibilities and reporting relationship of each local Band Representative need to be further articulated in a protocol document to ensure clarity and consistency of service delivery. To facilitate this protocol development, the Brant C.A.S. will develop procedures respecting the following service delivery working provisions:

**BAND REPRESENTATION ON THE BOARD OF DIRECTORS**

The Brant C.A.S. By-Laws make provisions for the Six Nations Band Council and the Mississaugas of the New Credit Band Council to appoint a Band Member from each Band Council to serve as a Director on the Board of Directors of Brant C.A.S. The term of office is one year, commencing January 1st and terminating December 31st of each year.

The Board of Brant C.A.S. has developed a policy statement outlining the formal channels of communication for Board Members. This document specifies the relationship of an individual Board Member to -

Band Council  
Local Director  
Employees  
Foster Parents  
Volunteers  
Clients  
Resources  
(See attachment)

This document serves to structure the communications channels between the various functions within the organization and with the Band Councils.

1. The primary responsibility to inform the Band Council regarding the policies and operations of the C.A.S. rests with the Band Appointee to the Board of Directors.
2. The responsibility to inform the Band Council Appointee regarding the policies and operations of the C.A.S. rests with the Local Director.

To facilitate this information sharing the following procedures are suggested for input:

1. The Minutes of the Brant C.A.S. Board Meetings will be mailed to each Band Council to the attention of the Office of the Chief Councillor.
2. The Local Director will provide the Band Appointee with a Quarterly Service Report.
3. The Local Director will be available to Band Council, or its designated Committee, when the Quarterly Report is presented by the Band Appointee.
4. The Band Appointee will meet with the Local Director, Director of Services, and Ohsweken Supervisor, quarterly for information sharing and problem solving.
5. The Board Appointee, Local Director, Director of Services, Director of Planning & Development, Director of Administration, and Ohsweken Supervisor, will report annually on the Service Plan to each Band Council.

#### **COURT ORDER FOR PROTECTION**

Draft procedures to be developed by Ohsweken Supervisor, Legal Services Supervisor, and Director of Services.

#### **CHILD PLACEMENT**

Draft procedures to be developed by Ohsweken Supervisor, Legal Services Supervisor, and Director of Services.

#### **ADOPTION**

Draft procedures to be developed by Ohsweken Supervisor, Legal Services Supervisor, and Director of Services.

#### **CFSA AUTONOMOUS SERVICE DELIVERY PROVISIONS**

The general purpose provision (Sec. 1(f)) articulated above speaks also to the enabling principle of Native people being entitled to provide, wherever possible, their own child and family services.

Part X of the CFSA is entitled "**Indian and Native Child and Family Services**". Section 193 of the Act enables the Minister to make agreements with Bands and Native Communities and any other parties whom the Bands in Native Communities choose to involve for the provision of services.

To implement this provision, the Minister utilizes Section 8 of the CFSA which gives the Minister power to approve an Agency to provide services under the Act. That approval is forthcoming where the Minister is satisfied that an Agency is, with financial assistance under Part I of the regulations, capable of establishing, maintaining, and operating a service and that its affairs are carried on under competent management on good faith.

Upon approval as an Agency to provide services, the Minister may give the Agency financial and other assistance in accordance with the regulations. This funding is then subject to whatever terms or conditions as imposed by the Minister.

#### **PREVENTION WORKERS**

It is through Section 8 that the Native Child Welfare Prevention Worker Contracts are contracted with Band Councils and the MCSS.

Insofar as these contracts are two-party contracts between Ministry and Band Council, there is no structure to ensure co-ordination with the C.A.S.; however, the programme objectives that form part of the contracts presume and necessarily involve C.A.S. participation and co-ordination. To ensure structured co-ordination exists between Band Councils and the C.A.S. of Brant, I am suggesting the following structure:

1. Letter of Agreement between Board of C.A.S. and each Band Council to be reviewed every two years. Alterations may be made every year by written request from either party.
2. The Agreement will outline mutually agreed upon:
  - (a) programme objectives;
  - (b) consultation by C.A.S. staff, i.e. Ohsweken line staff and Supervisor, and Management;
  - (c) training provisions; and,

(d) financial costs, if any.

3. Reporting Relationships

(i) Ohsweken Supervisor and appropriate Front Line Staff to meet Band Supervisor and Prevention Workers every two weeks.

(ii) Director of Services, Ohsweken Supervisor and appropriate Front Line Staff meet with Band Supervisor and Prevention Workers on a quarterly basis to review the implementation of the Letter of Agreement between Band Council and Board of Directors.

(iii) The Director of Services will report progress to Local Director and Band Appointee and to Services Committee on a quarterly basis.

(iv) The Local Director will provide an annual report to Board with recommendations regarding renewal.

(v) The Band Appointee with the assistance of Local Director will present annual report to Band Council.

**AUTONOMOUS CHILD WELFARE AUTHORITIES**

Part X, Section 194, also permits Bands to designate a body as Non-Indian or Native Child and Family Service Authority. These designated bodies may then apply through Section 15(2) of the Act to be a "Society" whose functions are outlined in Section 15(3).

It is solely up to each Band Council to consider these options, and while we support these legislative opportunities to develop Band autonomous service delivery, it would not be appropriate for us to presume that these options will be pursued without formal indication from any Band Council.

When, and if, a formal notice is given by the Ministry of a potential change in jurisdiction, all communications regarding the planning for the devolution of services will come from the Chairman of the Board or Local Director.

To facilitate this process, the 1989 Service Plan will include:

1. The development of an internal position paper on the devolution of services to Bands;

2. An analysis of its service and financial impacts; and,
3. Proposal of realistic timelines for recommendation to the MCSS.

### CONCLUSION

While the Indian provisions of the CFSA are being considered by the Bands in our jurisdiction, we must work together to facilitate the Bands' understanding of these provisions.

Nevertheless, our working relationship must be based on a formal recognizable set of consistent working procedures which respect the integrity of all our organizations.

To that end, we must:

1. Develop the procedures for direct service communication with the Band Representatives for direct service issues;
2. Strengthen our internal communication by:
  - (a) weekly unit meetings and supervision at Ohsweken;
  - (b) monthly meetings with Ohsweken Supervisor and Band Representatives to discuss casework issues and develop procedures;
  - (c) Director of Services to provide supervision and Service Plan assistance every two weeks at Ohsweken;
  - (d) Band Appointee, Local Director, Director of Services, Director of Planning & Development, and Ohsweken Supervisor to meet quarterly to review progress for reporting to Board and Band Councils; and,
  - (e) The Band Appointee, Local Director, Director of Services, Director of Planning & Development, Director of Administration, and Ohsweken Supervisor will report annually on the Service Plan to Board and to each Band Council.

March 3rd, 1988



**C.**  
**STANDARDS GOVERNING THE ROLE, RESPONSIBILITY AND CONDUCT**  
**OF AN INDIVIDUAL MEMBER OF THE BOARD OF DIRECTORS**

**A DIRECTOR'S CONDUCT AND RELATIONSHIP WITHIN THE AGENCY**

**As regards the Local Director:**

- (a) each Board member shall inform the Local Director or his designate, when he/she is made aware of a concern involving the safety or well-being of a child;
- (b) the Local Director must report back to that member to confirm that necessary service has been provided while not divulging details of the case or issue; and
- (c) any Board member having complaints or concerns about the conduct or response of the Local Director in the performance of his duties must advise the President of the Board of Directors in writing, who will then assume responsibility to deal with the matter.

**As regards Employees/Foster Parents/Volunteers:**

- (a) no Board member shall approach any employee/foster parent/volunteer of the Society directly on matters involving cases or service to clients of the Society;
- (b) Board members are of course welcome to exchange views and information with employees of the Society in their capacity as members of the standing committees of the Board; and
- (c) any Board member having concern or complaints about the conduct or response of an employee/foster parent/volunteer in the performance of his/her duties must advise the Local Director who is responsible for resolving the matter.

**As regards clients of the Society:**

- (a) no Board member shall initiate contact with a client of the Society;
- (b) when a client of the Society initiates contact with a Board member, that member shall bring the client's concern to the attention of the Local Director, who will be responsible to deal with the matter;
- (c) the Local Director will report back to that Board member to confirm that necessary service has been provided while not divulging details of the case or issue; and

- (d) clients shall be made aware of the Society's approved complaint procedure.

**As regards resources used by the Society:**

- (a) no Board member shall initiate direct contact with the staff or others involved in settings or resources used by the Society in service to children;
- (b) a Board member wishing information on any setting or resource used by the Society shall direct his enquiry to the Local Director or his designate for his response; and
- (c) any Board member having complaints or concerns about a setting or resource used by the Society must advise that Local Director who will be responsible to deal with the matter.

**A DIRECTOR'S CONDUCT AND RELATIONSHIP WITHIN THE BOARD**

**As regards Board effectiveness:**

- (a) Board members must ensure that criticisms are related to tasks, issues and behaviour rather than the character of another Board member;
- (b) Board members should provide their fellow Directors, where possible with their thoughts/viewpoints on issues requiring resolution by the Board;
- (c) each Board member must participate actively in the research and activity of committees to achieve the desired work outputs of the Board;
- (d) each Board member should respect the role and function of the committee structure as a vehicle for accomplishing work;
- (e) challenge and disagreement are healthy indicators and frequently lead to better results. Where challenge leads to conflict, its resolution would be better served by following a prescribed process:
- (i) challenge and resolution at the committee level;
  - (ii) challenge and resolution at a session of the Board;
  - (iii) challenge and resolution in In-Camera meetings; and
  - (iv) acceptance of a majority of the Board.

As regards confidentiality of Board meetings:

- (a) a Board member must understand and respect the need for confidentiality in certain areas of the Board's business (specifically in the delivery of service); and
- (b) conversations, opinions, decisions carried out in the In-Camera meetings are considered **INVIOATE AND ENTIRELY CONFIDENTIAL**.

A DIRECTOR'S CONDUCT AND RELATIONSHIPS OUTSIDE THE AGENCY

As regards the confidentiality of wards:

- (a) no Board member shall ever use the name of a Children's Aid Society Ward outside of the In-Camera meetings.

As regards a Board member's conduct in public:

Decisions of the Board of Directors are corporate decisions and are made democratically. More specifically, this would suggest that no Board member should:

- (a) Pursue separate courses of action from those agreed to by the Board; and
- (b) Become publicly involved in individual Children's Aid Society cases.

As regards Municipal Representatives and Band Appointees' accountability to their Councils:

- (a) municipal representatives must account to their respective jurisdictions particularly with regard to the expenditure of public monies; and
- (b) where an issue of service is discussed in Council, the Board representative shall be expected to explain to the Council what happened with respect to the issue. Where that issue involved an individual case, it shall be dealt with in camera and the name (s) of individuals shall never be mentioned unless revealed by the plaintiff.

As regards the Ministry of Community and Social Services:

- (a) no Board member should contact the Ministry without first having informed the President and the Local Director in writing of the intent and purpose of the contact.

**D.**  
**ROLES AND EXPECTATION OF AN INDIVIDUAL BOARD MEMBER**

It is expected that each Board Member will:

1. have a commitment to the understanding of the purpose, policies and programs of the Agency;
2. represent the Agency in the community;
3. acquire a clear understanding of the Agency's financial position;
4. serve in a volunteer capacity;
5. be able to work and participate within a group.

**RESPONSIBILITIES OF A BOARD MEMBER**

Board Members are expected to participate in the ongoing responsibilities of the Board. A Board Member should:

1. be an active and committed participant in the affairs of the Agency;
2. be involved at Board meetings, ask questions, discuss, participate in decision making, react to ideas, exercise initiative;
3. be actively involved on one or more Board committees;
4. know and maintain the lines of communication between the Board and Staff; (see Organizational Chart)
5. know and understand the roles and responsibilities of the Board and staff;
6. participate energetically in developing the membership;
7. be responsible for continuing self education and growth; know the community; be familiar with community resources; be aware of changing community trends and clientele needs; attend related community functions; keep informed of the Agency's services;
8. be informed about the background of issues in order to discuss them responsibly;

9. schedule adequate time to attend meetings;
10. be regular and punctual at all Board meetings. If unable to attend, give early notice to the Board Chairman;
11. do your homework; read background materials before the meeting;
12. notify Chairman in advance if reporting at next Board meeting to ensure proper item is placed on agency; (a written report is usually required)
13. have a working knowledge of parliamentary procedure;
14. maintain Board business confidentiality; if a problem arises, discuss it with the Chairman.



IT IS THE POLICY OF BRANT C.A.S. THAT:

1. An "Undertaking Respecting Confidentiality" be put in place in Brant C.A.S. to be signed by Board members, employees, volunteers and foster parents.
2. Having regard for the special reporting relationship which is required of the Board Representatives from the Six Nations and New Credit Reserves, the legally appointed directors from those Reserves shall be permitted to make such required reports regarding the Society's business without being considered in violation of the Society's "Undertaking Respecting Confidentiality".
3. Any Board member who refuses to sign the "Undertaking Respecting Confidentiality" will not allowed to attend any in-camera meeting of the Board or Executive Committee.

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