

## Report on the Settlement Facilitation Program

The Board's settlement facilitation program was implemented on July 15, 2008 to resolve complaints made under s. 68 and 68.1 of the *Child and Family Services Act*.

Settlement facilitation is a voluntary process that offers parties the opportunity to enter into discussions with a neutral third-party facilitator. For more information, please click on the Settlement Facilitation icon on the left hand side of this page.

As of July 15, 2008, the Board offered settlement facilitation to parties, except when the Board determined that settlement facilitation was unsuitable.

The Board is pleased to report the following findings:

- 81 applications were scheduled for a settlement facilitation conference between July 2008 and March 2009.
- Settlement facilitation was only declined by a party in three applications (4%). Some applications did not proceed to settlement facilitation due to applicants either withdrawing applications or not attending the scheduled settlement facilitation conference.
- Settlement facilitation occurred in 68 applications (84%).
- Parties reached a full agreement in 58 applications (85%) and proceeded to the implementation stage in 50 applications. This occurred when parties needed additional time, usually about 20 days, to implement the terms of the settlement agreement.
- When settlement facilitation discussions occurred, parties did not reach a settlement in only 11 applications (16%) and the matter proceeded to an oral hearing.

Parties are actively participating in settlement facilitation. Feedback received from surveys showed that participants overwhelmingly found the settlement facilitation process to be a positive experience in helping to resolve concerns and issues.

Settlement facilitation has been a productive and valuable process that not only assists parties to resolve issues, but also improves communication between the parties.

Considering the large number of applications that settled and the fact that parties appreciated the opportunity to openly discuss issues and concerns, the Board concludes that the settlement facilitation program has been a positive initiative and a successful program.

Settlement facilitation has also allowed parties to achieve a resolution and agree on terms that are often beyond the remedial powers of the Board.

Based on an analysis of settlement agreements, the most common terms of agreements included:

- Terms that addressed concerns regarding child protection investigations, such as how applicants were treated during an investigation, how the society arrived at the conclusion of the investigation, reasons for not investigating complaints or concerns, or reasons for verifying or for not verifying abuse or child protection concerns.
- Terms that addressed issues regarding services being provided to children and families, such as identifying or referring applicants to appropriate professional or community resources, providing additional supports, addressing access issues for children in care, and involving applicants in service plans.
- Terms that allowed applicants to place a letter or notice of disagreement on their file.
- Terms that addressed ways of improving communication between parties.
- Terms that addressed situations where applicants complained that societies refused to proceed with their complaints or concerns.
- Terms that addressed complaints about caseworkers.
- Terms that addressed concerns about societies refusing to allow full or partial file disclosure.
- Terms that addressed access issues/arrangements with children and parents.
- Terms where societies agreed to provide written explanations, face-to-face meetings, ICRP meetings, or to review files, policies and procedures to address applicants' complaints or concerns.