

Report on the Settlement Facilitation Program

The settlement facilitation program was fully implemented in the 2009-2010 fiscal year. The Board is pleased to report the following findings:

- 126 applications were scheduled for a settlement facilitation conference between April 1, 2009 and March 31, 2010.
- Settlement facilitation was only declined by a party in five 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 took place in 115 applications (91%).
- 106 of the 115 applications were finalized in the 2009-2010 fiscal year and nine applications will be finalized in the following fiscal year.
- A settlement agreement was reached in 88 of the 106 applications (83%) that were finalized in 2009-2010.
- Parties reached a full agreement in 22 applications and proceeded to the implementation stage in 66 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 27 applications (23%) and the matter proceeded to an oral hearing in 18 cases.

Parties continued to actively participate 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 provided an opportunity for applicants to be heard in an unbiased and non-adversarial setting.

Terms of settlement agreements were not restricted to remedies that can be ordered by the Board following a hearing. However, all terms were within the Board's jurisdiction to deal with the applicant's right to be heard and to be provided with an explanation for a children's aid society decision that affects the applicant's interests.

Based on a qualitative analysis of settlement agreements, the most common terms of agreements included complaints or issues related to:

- CAS refusal to investigate allegations of abuse;
- apprehension of children;
- the care of children in CAS custody or supervision;
- services provided to children in care;
- ongoing services provided to children and families;

- complaints about caseworkers;
- access issues/arrangements between children and parents;
- placing a letter or notice of disagreement on an applicant's file;
- file disclosure;
- ways of improving communication between parties; and
- kinship and adoption issues.