

Indian Residential Schools Resolution Canada

2005-2006

Report on Plans and Priorities

The Honourable A. Anne McLellan
Deputy Prime Minister and
Minister of Public Safety and Emergency Preparedness

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SECTION I – OVERVIEW

Minister's Message

Indian Residential Schools Resolution Canada (IRSRC) is dedicated to resolving the legacy of the Indian residential school system and meeting the needs of the more than 13,000 former students seeking compensation for abuses they suffered at these schools.

IRSRC has a central role to play in assisting the Government of Canada to achieve its goal of a new relationship and partnership with Aboriginal peoples, as articulated in the February and October 2004 Speeches from the Throne and at the Aboriginal Roundtable in April 2004. Indian residential schools had a large impact on Aboriginal peoples in Canada and it is estimated that there are nearly 90,000 living former students. Any attempt to rebuild relationships with Aboriginal peoples must therefore include a response to the legacy of IRS.

The primary tool for resolution of the IRS legacy is the National Resolution Framework – a comprehensive plan that includes an Alternative Dispute Resolution (ADR) process, the option for litigation, dedicated funding for counseling supports, and commemorative initiatives. The centerpiece of the Resolution Framework is the ADR process. ADR is a further option for former students of Indian residential schools who seek compensation for physical and sexual abuse they suffered as children, which will ensure that outstanding claims will be settled in a timely and effective manner. 2004 marked the first full year of operation for the National Resolution Framework and the ADR process.

My Department will continue to work with stakeholders, including former students, the churches, plaintiffs' counsel, National Aboriginal organizations and other government departments, including Indian and Northern Affairs Canada, Health Canada, Canadian Heritage and the Department of Justice to refine the Alternative Dispute Resolution process and to ensure the effective resolution of IRS issues.

IRSRC is also fully committed to continuing negotiations with Roman Catholic entities to resolve the issue of apportionment of compensation. We have concluded agreements with the Anglican and Presbyterian Churches, which ensure that all claimants with validated abuse claims will receive 100 % of compensation. While there is no formal agreement with the United Church, we have a positive working relationship and they continue to be involved in the resolution of claims. We have reached apportionment agreements with several Catholic entities and continue to work with church representatives to resolve the issue of the apportionment of compensation.

Our goal remains compassionate solutions and avenues for resolution, and to facilitate healing and reconciliation. I am confident that these initiatives provide a solid basis for departmental efforts to address the legacy of Indian residential schools in the coming years.

Summary Information

Reason for Existence

Resolve claims and address issues arising from the legacy of Indian residential schools; an important part of the government's goal of reconciliation and to engage in a new relationship with Aboriginal peoples.

Financial Resources

2005-2006	2006-2007	2007-2008
\$121.1 M	\$153.5 M	-

Human Resources

2005-2006	2006-2007	2007-2008
195	215	-

Departmental Priorities¹

	Type	Planned Spending		
		2005-2006	2006-2007	2007-2008
Priority 1	Ongoing	\$116.3M	\$147.1M	-
Priority 1.1	Ongoing			
Priority 2	Ongoing	\$4.5M	\$6.0M	-
Priority 3	Ongoing	\$0.3M	\$0.4M	-

¹ Descriptions of departmental priorities are provided in the section entitled *Departmental Plans and Priorities*.

Departmental Plans and Priorities

Priority 1

Resolve outstanding claims as efficiently, effectively, humanely and compassionately as possible, while ensuring access to the appropriate level of health supports for Indian residential school claimants.

To this end, the Department plans to continue to:

- Assess the implementation of departmental programs, improve accessibility to the ADR process and encourage claimants to opt for the less adversarial and more timely out-of-court environment for settling their claims through the ADR process;
- Consult with stakeholders in the preparation of an evaluation framework of the ADR;
- Access to the appropriate level of emotional or counselling support services for claimants who are resolving their ADR or litigation claims; and
- Maintain the option of litigation to resolve claims for claimants who choose not to participate in the ADR process.

Our planned results are:

- A more compassionate process for claimants, from the first contact with a potential claimant through to a commemoration event;
- More effective and efficient resolution of disputes based on mutual respect and meeting the ongoing needs of claimants as they resolve their claims;
- A significant increase in the number of claimants entering into the ADR process and an increased number of settlements achieved in a timely manner;
- Continued improvement in relationships and partnerships with Aboriginal peoples;
- Reduced legal and administration costs for the government as a whole; and
- Improved administration of the claims through better control, monitoring and reporting.

For Canadians, this will result in:

- Improved relationships and understanding between Aboriginal and non-Aboriginal peoples in Canada;
- Stronger partnerships with Aboriginal peoples and organizations that reflect common values;
- An increased level of individual preparedness for claimants to be able to fully reintegrate into the economic and social life of their communities; and
- Further steps toward reconciliation with Aboriginal communities.

Priority 1.1

Ensure both elderly and ill claimants have priority for resolving their claims without undue delay.

To this end, the Department plans to continue to:

- Ensure that elderly and ill claimants in the ADR process, and where possible in the litigation process, have their claims expedited on a priority basis in order to bring closure to their claims in a more timely and compassionate manner.

Our planned results are:

- Improved relationships with Aboriginal communities and organizations;
- An increased number of settlements; and
- An effective and compassionate claims resolution process that identifies and expedites claims made by the elderly or those in ill health.

For Canadians, this will result in:

- Steps toward healing for elderly and ill claimants, their families and communities;
- Opportunities for reconciliation with Aboriginal communities where elders are highly respected; and
- Confidence that the government is morally and ethically working to resolve claims of elderly and ill claimants.

Priority 2

Maintain and strive toward better collaborative working relations with Aboriginal organizations and their communities to promote or further develop programs that address the legacy of the Indian residential schools system and encourage healing and reconciliation of former students, their families and communities.

To this end, the Department plans to continue to:

- Support initiatives and programs that promote a greater understanding by Aboriginal communities and Canadians of the impacts of the Indian residential school system, and those that will contribute to healing and reconciliation within communities;
- Seek to strengthen relationships with community leaders and community service providers;
- Make every effort to raise the level of awareness and knowledge of the Resolution Framework by every member of the Aboriginal community whether on- or off-reserve;
- Contribute to the education of Canadians about the history and intergenerational impact of Indian residential schools through broad outreach initiatives and joint initiatives with Aboriginal organizations such as the Aboriginal Healing Foundation (refer to *Section IV – Other Items of Interest* for more information); and
- Liaise with former students, Aboriginal and church representatives, and other federal departments and provincial governments.

Our planned results are:

- A contribution to the creation of a more positive environment for reconciliation with Aboriginal peoples;
- A significant increase in the number of claimants wishing to settle their claim out of court and an increased number of settlements achieved in a timely manner; and
- Public commemorative ceremonies or activities, such as *Where are the Children? Healing the Legacy of Residential Schools*, that are jointly sponsored by Aboriginal organizations.

For Canadians, this will result in:

- Steps toward improved relationships between Aboriginal and non-Aboriginal peoples in Canada.
- A greater public understanding of, and sensitivity to, the impacts of the Indian residential school system on Aboriginal peoples and their communities; and
- An increased awareness by the Canadian public of the current broad issues affecting Aboriginal communities such as socio-economic, health, and education.

Priority 3

Negotiate with remaining church entities to determine the apportionment of compensation.

To this end, the Department plans to continue to:

- Implement the apportionment agreements ratified with the Anglican and Presbyterian churches in spring 2003;
- Work with representatives of the United Church and while no formal agreement is in place, we have jointly developed a protocol on ways to work together to resolve claims and the Church continues to participate in settlements; and
- Negotiate with Roman Catholic entities to reach apportionment or cooperation agreements and to work with those entities who have signed agreements to update and modify protocols (some entities continue to cooperate in the validation of ADR applications without an agreement).

Our planned results are:

- A significant increase in the number of claimants with valid claims receiving out-of-court settlements that are 100% of agreed-upon compensation;
- Clear lines of responsibility;
- A clear understanding by Canadians that the Government of Canada is committed to the continued financial integrity of the churches;
- Increased participation by Canadian churches who have signed agreements in the healing and reconciliation of survivors; and
- Elimination of further legal and administration costs involved in negotiating these agreements.

For Canadians, this will result in:

- Reconciliation between governments, churches and Aboriginal communities;
- Improved relationships and understanding between Aboriginal and non-Aboriginal peoples in Canada; and
- Stronger Canadian communities enriched by new partnerships.

**SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY
STRATEGIC OUTCOME**

Analysis by Program Activity

Strategic Outcome

Reconciliation between Indian residential school survivors and the Government of Canada

Program Activity Name

The Department has one program activity: *Claims Resolution*. This program activity is designed to centralize and focus federal efforts to resolve claims associated with the operation of the former Indian residential school system in the most expeditious way possible.

The federal government currently faces more than 7,000 claims of abuse involving more than 13,000 former students of Indian residential schools. Resolution of these claims is central to resolving the legacy of Indian residential schools and achieving reconciliation between Aboriginal and non-Aboriginal peoples in Canada.

Financial Resources

2005-2006	2006-2007	2007-2008
\$121.1 M	\$153.5 M	-

Human Resources

2005-2006	2006-2007	2007-2008
195	215	-

Key Programs and Services

The National Resolution Framework is a comprehensive approach to resolving claims and addressing issues arising from the legacy of Indian residential schools. The key programs and services of the National Resolution Framework – Alternative Dispute Resolution, Commemoration, IRS Mental Health Supports, and Litigation – support the Department's program activity and contribute to achieving planned results.

Alternative Dispute Resolution – The Alternative Dispute Resolution process is a key element of the National Resolution Framework. It is designed to be a timely and effective way for claimants to resolve their physical and sexual abuse and wrongful confinement claims.

Choice for claimants is a cornerstone of the resolution process and for this reason, ADR is a voluntary process. Claimants submit an application form and, if it meets the basic parameters of the program, have a hearing before an independent adjudicator who, with the assistance of a compensation framework, will decide on a monetary award.

The claimant has the choice to accept the award or reject it and pursue their claim through litigation. It is expected that approximately 75% of claimants will choose ADR to resolve their claims and currently more than 1,300 claimants have submitted applications for ADR.

ADR is a key component of the Department's *Claims Resolution* program activity and supports the Department's strategic outcome of reconciliation between Indian residential school survivors and the Government of Canada. It provides an additional choice for claimants who wish to pursue compensation but do not wish to go through the litigation process.

The benchmark for resolution of claims in ADR is 9 months from the time the application is screened into the process until the claimant has a hearing. Priority is given to those claimants who are elderly or in ill health.

It is expected that it will take approximately 7 years to resolve the majority of claims through the ADR process. Both quantitative and qualitative performance measures to ensure that the ADR process is achieving this goal have recently been developed and are currently being assessed. A mandatory review of the ADR process will be undertaken in 2005-2006 and a framework for a formative evaluation will be developed to assist in this review.

Commemoration – The National Resolution Framework includes a commemoration component to provide funding to initiatives which honour and pay tribute to former Indian residential school students and acknowledge their experiences and the intergenerational impact of the residential school system. These initiatives may take the form of group initiatives such as memorials, ceremonies or other special activities. The Commemoration Program is expected to be launched in 2005-2006.

IRS Mental Health Support Program – The IRS Mental Health Support Program was established to ensure that former students have access to an appropriate level of counselling and emotional support through the resolution of their claims regardless of the resolution process they choose (refer to *Section IV – Other Items of Interest* for more information).

Litigation – Not all claimants will choose to resolve their abuse claims through the ADR process; it is anticipated that approximately 25% of claimants will choose litigation as the most appropriate route for them. The Department represents the Government of Canada in IRS claims and works to resolve as many claims as possible out of court before they reach the trial stage. The Department has little control over the pace of the litigation process and is largely dependent on the rules of the court and court schedules.

Policy and Consultation – At the Aboriginal Roundtable in April 2004, the Prime Minister stated that collaboration in policy development would be a cornerstone of the new partnership between Aboriginal peoples and the Government of Canada. In keeping with that commitment, the Department is dedicated to working with stakeholders on the development and refinement of policies. This includes regular meetings with the IRS Working Caucus, which includes representation from former students and Aboriginal peoples who are involved in working with IRS issues, and representatives of the four churches. The Department also works with plaintiffs' counsel and national Aboriginal organizations, and recently funded the Assembly of First Nations (AFN) to undertake a review of the ADR process.

SECTION III – SUPPLEMENTARY INFORMATION

Management Representation Statement

I submit for tabling in Parliament, the 2005-2006 Report on Plans and Priorities (RPP) for INDIAN RESIDENTIAL SCHOOLS RESOLUTION CANADA.

This document has been prepared based on the reporting principles contained in the *Guide to the preparation of Part III of the Estimates: Reports on Plans and Priorities.*

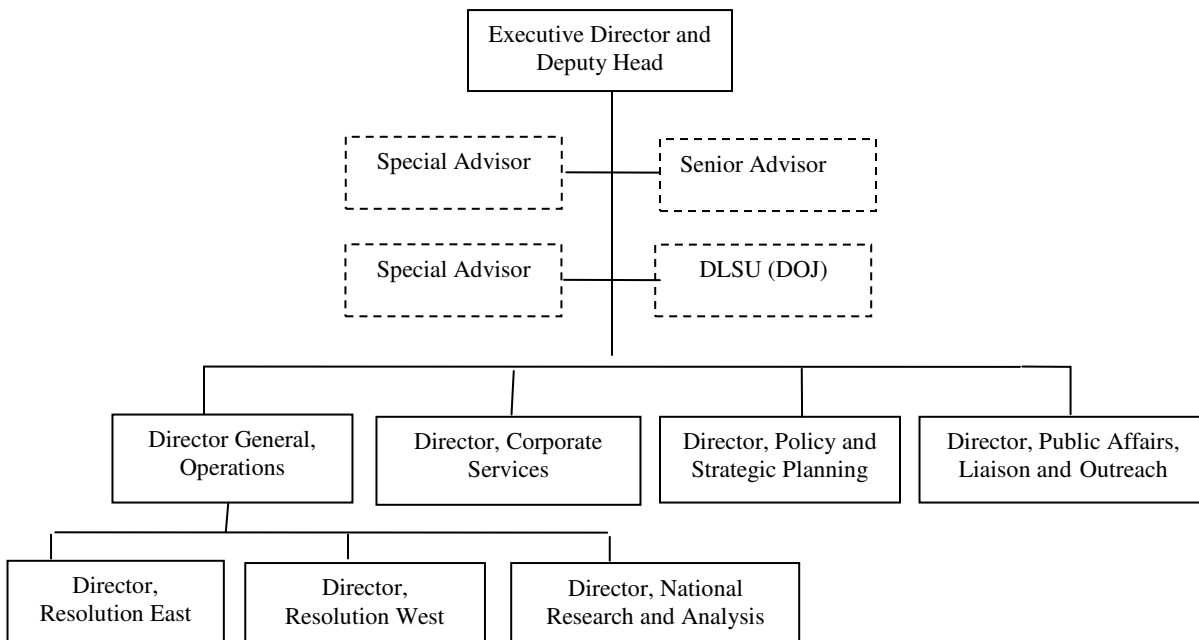
- It adheres to the specific reporting requirements outlined in the TBS guidance;
- It is based on the department's approved accountability structure as reflected in its MRRS;
- It presents consistent, comprehensive, balanced and accurate information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat in the RPP.

Name: Mario Dion
Title: Deputy Minister

Organizational Information

The Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness is the Minister responsible for the Department.

As illustrated in the organizational chart below, the Minister is supported by a Deputy Minister who is the Department's Executive Director and Deputy Head. The Deputy Minister is accountable for the overall management of the Department, strategic policy direction, and the provision of executive support to the Minister. By virtue of his position, the Deputy Minister is also the Chief Federal Negotiator for the federal government on all matters relating to settlement of claims concerning Indian residential schools.



The Deputy Minister is directly supported by the Director General, Operations and the Directors of Corporate Services, Policy and Strategic Planning, and Public Affairs, Liaison and Outreach.

The Director General, Operations, is accountable for the management of operations relating to the ADR process and ensuring that claims are administered and resolved in accordance with established program authorities, processes and the approved compensation framework. The Director General is also accountable for the management of litigation, the health-related components of the National Resolution Framework, and the management and delivery of an extensive research program which supports both litigation and the ADR process.

The Director, Corporate Services is accountable for corporate administration services that ensure human resources, finance, contracting, and information technology systems are delivered in accordance with established program authorities and processes.

The Director, Policy and Strategic Planning is accountable for overall strategic planning and policy development for the Department, while the Director, Public Affairs, Liaison and Outreach is accountable for the commemoration component of the National Resolution Framework, as well as departmental communications.

Table 1: Departmental Planned Spending and Full Time Equivalents

(\$ millions)	Forecast Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008 ²
Claims Resolution	99.8	121.1	153.5	-
Budgetary Main Estimates (gross)	99.8	121.1	153.5	-
Total Main Estimates	99.8	121.1	153.5	-
<i>Adjustments:</i>				
Forecasted lapse*	17.0	-	-	-
Total Planned Spending	82.8	121.1	153.5	-
Total Planned Spending	82.8	121.1	153.5	-
Plus: Cost of services received without charge	8.2	8.8	8.6	-
Net cost of Program	91.0	129.9	162.1	-
Full Time Equivalents	175	195	215	-

* Reflects the best forecast of lapsed budgetary Main Estimates for the fiscal year.

Planned spending is expected to increase over the planning period as a result of the increase in operational requirements necessary to support the full implementation of all programs in the National Resolution Framework, including the Commemoration program expected to be launched in 2005-2006 and other programs such as the ADR process and the IRS Mental Health Supports program which are currently underway.

The Department continues to improve its delivery mechanisms for the ADR process and continues to look for new ways to achieve even greater efficiencies in the current process. As a result, it is expected that the number of ADR hearings, and ultimately the number of settlements, will increase significantly over the planning period.

² Funding for the 2007-2008 fiscal year will be the subject of a Treasury Board submission following the formative evaluation of the National Resolution Framework that will be reported to Cabinet in the 2006-2007 fiscal year.

Table 2: Program by Activity

2005-2006				
Program Activity	Budgetary			Total Planned Spending
	Operating	Grants and Contributions	Total Main Estimates	
Claims Resolution	118.1	3.0	121.1	121.1
Total	118.1	3.0	121.1	121.1

Total planned spending for the 2005-2006 Estimates year is expected to be \$121.1M which includes \$118.1M for operating expenditures and \$3.0M for contributions.

Resources for operating expenditures will be used to support the Department's commitment to ensuring timely and effective resolution of outstanding claims. Resources will be used to support the full implementation of all programs and services in the National Resolution Framework, as well as research activities that are critical to the Department's due diligence procedures that ensure that Indian residential school claims are properly validated.

Furthermore, in order to support the Department's commitment to ensure resources are available to provide compensation to victims with validated claims, the Department has set aside \$20 million in a special purpose allotment. These funds, set aside annually, are used only for the provision of compensation and for the payment of legal costs incidental to the resolution of a claim.

Resources for contributions are expected to be used for the following purposes:

Group dispute resolution – These contributions are made to groups of Indian residential school survivors and are used to provide a process by which individuals with common claim elements, and a desire to resolve their claim in a group setting, can proceed through the dispute resolution process.

Policy and Consultation – These contributions are made to eligible Aboriginal and non-Aboriginal organizations, institutions and individuals for the purpose of obtaining diverse viewpoints and advice on a range of Indian residential schools issues, including the design and development of policies and programs in the National Resolution Framework.

Commemoration – These contributions are made to groups of individuals for the purpose of conducting activities or events that address their Indian residential schools experience or that commemorate the successful resolution of disputes arising from the Indian residential schools system.

Table 3: Voted and Statutory Items listed in Main Estimates

2005-2006			
Vote or Statutory Item	Truncated Vote or Statutory Wording	Current Main Estimates	Previous Main Estimates
55	Program expenditures and contributions	115.1	93.6
(S)	Contributions to employee benefit plans	6.0	6.2
	Total Department or Agency	121.1	99.8

The 2005-2006 Main Estimates show an increase of \$21.3M over the previous Main Estimates. As previously discussed under *Table 1 – Departmental Planned Spending*, this increase will support the full implementation of all programs in the National Resolution Framework.

Table 4: Net Cost of Department for the Estimates Year

2005-2006	
(\$ millions)	Total
Total Planned Spending	121.1
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	3.9
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	2.4
Worker's compensation coverage provided by Social Development Canada	-
Salary and associated expenditures of legal services provided by Justice Canada	2.5
2005-2006 Net cost of Department	129.9

The table above provides an estimate of the net cost of operating the Department for the Estimates year by including the cost of common services received without charge from other government departments.

Table 5: Summary of Capital Spending by Program Activity

(\$ millions)	Forecast Spending 2004-2005	Planned Spending 2005-2006	Planned Spending 2006-2007	Planned Spending 2007-2008
Claims Resolution	\$1.0M	\$0.2M	\$0.2M	-
Total	\$1.0M	\$0.2M	\$0.2M	-

Capital expenditures over the planning period will be used to support the Department's development and implementation of its automated case management tool: SADRE. This will include expenditures for hardware as well as those necessary to increase the capacity and functionality of the tool (refer to *Section IV – Other Items of Interest* for more information).

SECTION IV – OTHER ITEMS OF INTEREST

The following initiatives are expected to impact departmental priorities and departmental performance over the planning period.

Single Access to Dispute Resolution (SADRE) – In order to assist in the management of a caseload of more than 13,000 claims, the Department has developed a case management tool to facilitate greater tracking and automation of the process. Version 1 of SADRE has been implemented and is used to assist resolution managers in the management of their caseload. It includes case tracking and the automation of some functions. It is also a reporting tool that allows for the production and distribution of statistical information. This statistical information is essential for analysing performance measures.

Horizontal initiative – Over the next three years, the Department will be involved, as a partner, in the Mental Health Support Program (MHSP) administered by Health Canada.

In November 2003, Health Canada, in partnership with the Department, launched the MHSP which is the health support component of the Department's National Resolution Framework. The goal of the MHSP is to ensure that Indian residential school claimants have access to an appropriate level of mental health counselling and emotional support services that would allow claimants in ADR or litigation to safely address the broad spectrum of mental health issues related to the disclosure of childhood abuse.

The main program components of the MHSP are the national 24-hour a day toll free Indian residential school Crisis Line, Resolution Health Support Worker emotional support services, Mental Health Counselling to eligible IRS claimants and immediate family members, and transportation to access counselling and/or traditional healers.

Although the Department has overall responsibility for the National Resolution Framework, various program components of the MHSP will be delivered separately by Health Canada and the Department. The Department is responsible to coordinate and fund the IRS Crisis Line which is administered and operated by an Aboriginal organization with trained Aboriginal crisis counsellors. Funding for the IRS Crisis Line over the next two years is expected to be \$250,000.

Since the launch of the MHSP, there has been a gradual trend of claimants seeking access to services within the program. As more settlements are achieved in ADR and litigation, and as communication of the program grows within communities, it is expected that many more claimants will seek services available within the MHSP. It is estimated that the program will likely peak in year three and four. The total cost of the program is estimated to be \$35 million.

Foundation – In December 2004 responsibility for the Aboriginal Healing Foundation (AHF) was transferred from the Minister of Indian and Northern Affairs Canada to the Minister responsible for the Department. This transfer formally recognizes the link between healing and the Resolution Framework. The AHF was given a one time \$350 M grant in 1998, and was required to commit all funds within 5 years. As per its mandate, the funds are now all committed and the AHF is in the process of winding down operations. The Department continues to explore the future of the healing movement.

Oracle 11i – In partnership with Indian and Northern Affairs Canada, the Department will implement a new version of its financial system in an Application Service Provider (ASP) environment starting April 1, 2005.

Consistent with the Government's movement toward greater sharing of systems and infrastructure, the initial ASP environment of the Oracle 11i application will be hosted by Public Works and Government Services Canada (PWGSC). In this environment, significant economies and efficiencies will be realized by reducing overhead costs and duplication of services such as the provision of technical support.

This new ASP environment will enable the Department to focus more resources on delivering programs and services. As well, the new version of the financial system, with its enhanced functionality, will assist the Department in improving the management, control and reporting of expenditures.