

# **Indian Residential Schools Adjudication Secretariat 2013**

Annual report of the Chief Adjudicator to the Independent  
Assessment Process Oversight Committee

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## **About the Indian Residential Schools Adjudication Secretariat**

The Indian Residential Schools Adjudication Secretariat (the Secretariat) is an independent, quasi-judicial tribunal providing impartial application processing and decision-making for claims of abuse at federally-administered Indian Residential Schools.

The Secretariat manages the Independent Assessment Process (IAP), a non-adversarial, out of court process for claims of sexual abuse, serious physical abuse, and other wrongful acts causing serious psychological injury to the claimant. As one of the compensation programs established under the Indian Residential Schools Settlement Agreement (IRSSA), the IAP is the only option for former residential school students to resolve these claims,<sup>1</sup> unless they opted out of the Settlement Agreement. The deadline to submit an application under the IAP was September 19, 2012. The IAP aims to bring a fair and lasting resolution to harms caused by residential schools through a claimant-centered and neutral process.

The Secretariat has become one of Canada's largest quasi-judicial tribunals, holding over 4,000 face-to-face hearings each year with support of over 100 adjudicators and approximately 270 staff. It reports to Daniel Shapiro, Q.C., Chief Adjudicator, whose appointment by the IAP Oversight Committee as confirmed by the Courts, was effective on July 29, 2013.

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<sup>1</sup> Apart from the ability to seek leave of the Chief Adjudicator to access the courts, in specified circumstances defined by the IAP, which has occurred only twice since implementation of the IAP.

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## Message from the Chief Adjudicator

It is my pleasure to present the 2013 Annual Report to the IAP Oversight Committee, my first as Chief Adjudicator. While 2012 focused on managing the many challenges associated with the September 19 deadline for submitting IAP applications, 2013 was focused on the daunting task of conceptualizing the plans, tools and resources necessary to begin the process of winding down the IAP. This year we implemented a number of improvements to Secretariat processes with the aim of moving claims forward to a first hearing<sup>2</sup>, resulting in tangible and measurable benefits to claimants. This report highlights many of the Secretariat's achievements and challenges, and activities undertaken this year while upholding our commitment to delivering a claimant-centred process.

Before I begin, I want to pay tribute to my predecessor, former Chief Adjudicator Daniel Ish, who stepped down as the Chief Adjudicator in 2013. Prior to leading the IAP since it was established in 2007, Dan was involved in the Alternate Dispute Resolution process and pilot projects that preceded the IAP. He brought with him a diverse wealth of experience from his previous work as law teacher, Dean of the College of Law at the University of Saskatchewan, and well-respected labour arbitrator. As Chief Adjudicator, Dan provided outstanding leadership in the IAP and always demonstrated a sincere commitment to ensuring a strong and fair process to claimants.

In November 2013, the Governor General of Canada appointed Dan Ish as an Officer of the Order of Canada "for his commitment to social justice, notably as the former Chief Adjudicator of the Indian Residential Schools Adjudication Secretariat." My congratulations to Dan on this very well-deserved appointment.

I know I speak for all DCAs, adjudicators, and Secretariat staff in extending my heartfelt thanks and congratulations to Dan for his many contributions.

On the occasion of the retirement of Chief Justice Winkler from the Ontario Court of Appeal, I wish to take this opportunity to acknowledge and recognize the many extraordinary contributions of the Chief Justice to the Settlement Agreement, including the IAP, from its approval through to its supervision, until his retirement at the end of December, 2013.

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<sup>2</sup> Because claims may have continuation hearings, case conferences, hearings for alleged abusers or witnesses, etc., measurement is specified by 'first' claimant hearings.

## **Completion of the IAP**

At the end of 2013, a total of 37,919 applications had been received by the Secretariat. This number is three times the initial anticipated number of applications, which was 12,500. Of these, 25,261 claims or 67% have been resolved.

I am pleased with the headway we are making at resolving the remaining cases in the IAP. While I recognize our progress is never fast enough for claimants who are waiting for a hearing, we are on track to meet targets and hold all remaining IAP hearings by spring 2016.

Over the course of 2013, I worked with the Secretariat to develop a Completion Strategy for the Courts. The strategy, titled "Bringing closure, enabling reconciliation: A plan for resolving the remaining IAP caseload", was prepared to: (a) outline production goals and completion times with more specificity; and (b) seek authority to implement an Incomplete File Resolution (IFR) Procedure and "Lost Claimants" Protocol, both described in detail later in this document. The IFR Procedure was extensively negotiated, over a period of close to a year, at the Technical Sub-committee of Oversight Committee. It addresses fundamental gaps in the IAP – the IAP does not provide tools to allow resolution of claims which cannot meet the proscribed processes of the IAP, and adjudicators do not have authority to dismiss claims short of a hearing. Nor does the IAP provide guidance or direction as to what methods are appropriate in terms of contacting lost claimants, balancing claimants' legitimate confidentiality expectations against the risk that claims could be dismissed for "want of prosecution."

In September 2013, the Chair of the Oversight Committee, senior Secretariat staff, and I met with the National Administration Committee (NAC), regarding the IAP Completion Strategy. Following consultations and a single amendment, the resulting IFR Procedure and Lost Claimant Protocol were unanimously supported by both the Oversight Committee and the NAC. The Completion Package was filed with the Supervising Courts by way of a Request for Direction on January 28, 2014.

## **The fate of the IAP records once the IAP is complete**

An important outstanding issue involves the determination of the fate of IAP records once the IAP is complete and the Secretariat no longer exists. An additional factor is that the Truth and Reconciliation Commission (TRC) is very interested in obtaining many of the IAP records. Claimants, alleged perpetrators, Canada, the Churches and other stakeholders also have a significant interest in this important issue.

The issue has been of vital importance to the IAP since from its outset. Building on practices developed as far back as 2003 in the Dispute Resolution process, assurances were given to claimants and other witnesses of the confidentiality of our hearing process. The Oversight Committee and Chief Adjudicators have been unwavering in their commitment to maintaining the confidentiality of the IAP Process.

Two separate Requests for Direction have been submitted to the courts on this issue, discussed in detail later in this report.

It is of significant concern to me that this issue is destined to be a very visible public dispute, with great potential to cause anxiety and concern on the part of individuals who have participated in the IAP, or who may participate in the future, and on the part of their communities.

### **Integrity of the IAP**

Concerns with respect to the integrity of the IAP pose an ongoing challenge to my role as the Chief Adjudicator, as well as to the Secretariat. Monitoring lawyers and form-filling agencies was always a worry for my predecessor and remains a concern for me. As an independent and impartial tribunal, it would not normally be part of our mandate to, in effect, exercise investigative and regulatory functions. Nevertheless, because no other body was performing such functions, a Deputy Chief Adjudicator has accepted responsibility to address complaints to the IAP, to conduct initial investigations, and liaise with legal counsel in the preparation of Requests for Direction. For example, there are Requests for Decisions to the Courts underway relating to issues in Williams Lake, BC and to questions surrounding form-filling agencies in Manitoba. Explanations of the details of these cases can be found in the section "Respecting Claimants' Rights in the IAP".

In particular, it is my view that the extreme nature of the allegations in the Williams Lake case, which have only been partially addressed after a year since the initial order, continue to pose a serious threat to the integrity of the IAP. During the intervening period since direction was sought from the court and, while a court-ordered review has been underway, the law firm has had the benefit of substantial fees generated in the IAP while the former students from the Williams Lake area continue to have significant concerns regarding the conduct of the law firm that remain to be definitively addressed. I share the views of my predecessor that the involvement of the Chief Adjudicator's office in such matters has been too significant and that a different model for investigating complaints should be explored. To this end, I have had ongoing

discussions with stakeholders and the Court Monitor to explore alternative means and methods to deal with concerns and complaints with respect to legal counsel, as well as others purporting to act on behalf of claimants in the IAP. The result of these discussions is a proposed IAP integrity protocol which will provide mechanisms to conduct complaints received relating to the IAP. The Integrity Protocol has been approved by the Oversight Committee and is currently before the Courts.

## **In conclusion**

Since the beginning of the IAP in 2007, we have helped tens of thousands of former students of Indian Residential Schools, by supporting them through the hearing process, allowing them to tell their stories and helping them along their healing journey. This is quite an accomplishment, and everyone involved in the IAP should be proud of it.

I am truly grateful to the six Deputy Chief Adjudicators for their commitment and tremendous contributions to the IAP. I also express my sincere thanks to all adjudicators for their outstanding work over the past year. Our achievements are also the product of the determined efforts of dedicated and professional staff at the Secretariat, led by Executive Director Shelley Trevethan. The work of adjudicators, including myself, could not be performed without the Secretariat staff's assistance and I thank them all for their contribution to our collective achievements.

Again, I'm very proud of the accomplishments covered in the report that follows. With the steps taken this year, I am optimistic about the course we've mapped towards the completion of the IAP.



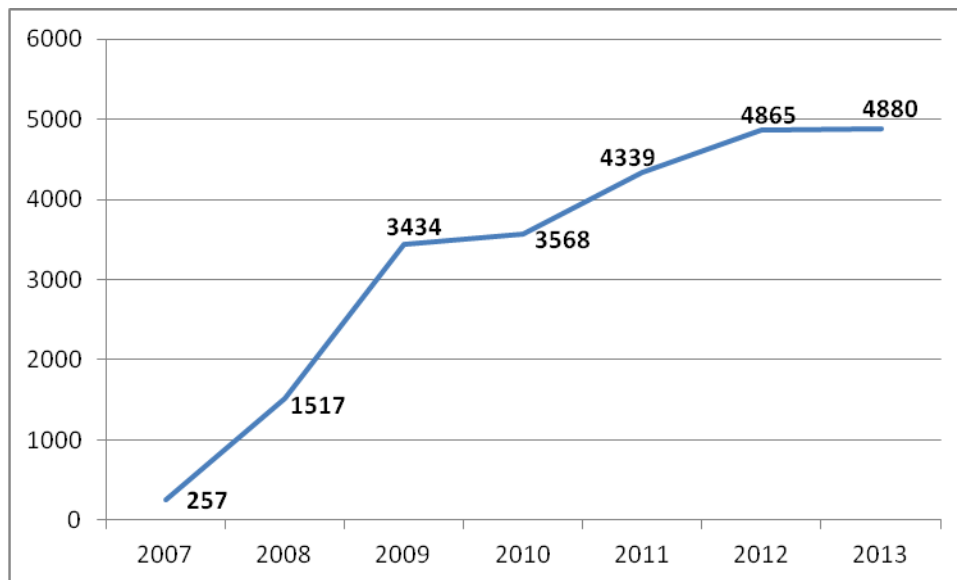
## Key performance numbers

### Performance

With almost 38,000 individual applications received, the Secretariat is forecasting approximately 33,500 claims will be admitted into the IAP. This projection remains approximate as, although the deadline for applications occurred on September 19, 2012 many of the last applications were incomplete. At the beginning of 2013, approximately 7,000 applications were awaiting assessment, and this number was down to fewer than 1,700 by December 31, 2013. Additionally, there remain outstanding applications for former Blott and Company clients. Since the admission process includes the opportunity for applicants to provide additional information and an appeal period, the total number of admitted claims may continue to change until fall 2014.

The Secretariat processed 4,880 IAP claims in 2013, slightly higher than 2012, when 4,865 claims were processed<sup>3</sup>. Similarly, the number of adjudicator decisions increased slightly as 3,949 were released in 2013 compared with 3,936 in 2012.

### Files processed per year (since implementation to 2013)



<sup>3</sup> A claim is considered processed if any of the following occurs: a hearing has been held, a paper review has been conducted, or the parties have entered into a Negotiated Settlement.

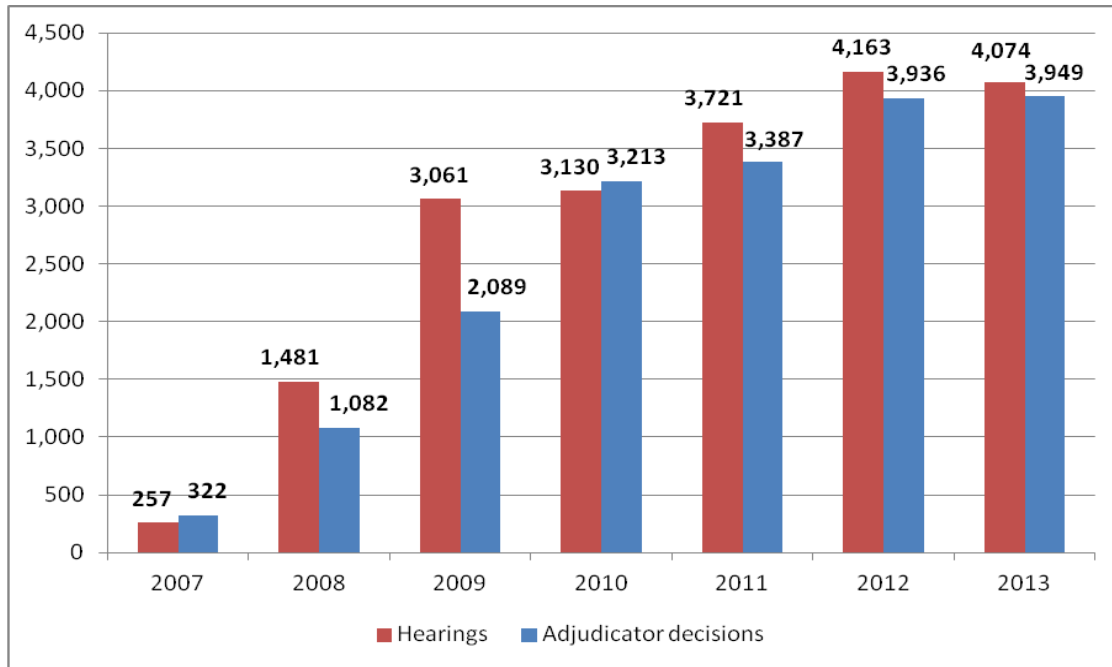
In 2013, 6,368 applications were resolved; an increase of 22% from 2012. Moreover, the Secretariat marked an important milestone in December 2013: the resolution of the 25,000<sup>th</sup> IAP claim, twice the number of applications (12,500) anticipated at the outset of the IAP. By the end of 2013, 25,128 claims were resolved, approximately 66% of all applications received.

Table 1

Calendar Year:	2007	2008	2009	2010	2011	2012	2013	Since Implementation
<b>Applications received</b>	3,828	5,435	4,747	5,157	5,525	12,889	338	37,919
<b>Applications resolved</b>	402	1,486	3,010	4,152	4,489	5,211	6,378	25,128
Adjudicator decisions	322	1,082	2,089	3,213	3,387	3,936	3,949	17,978
Negotiated settlements	0	36	373	438	618	702	806	2,973
Ineligible/withdrawn	80	368	548	501	484	573	1,623	4,177

**Hearings Held and Decisions Issued per year (since implementation to 2013)**

Figure 1

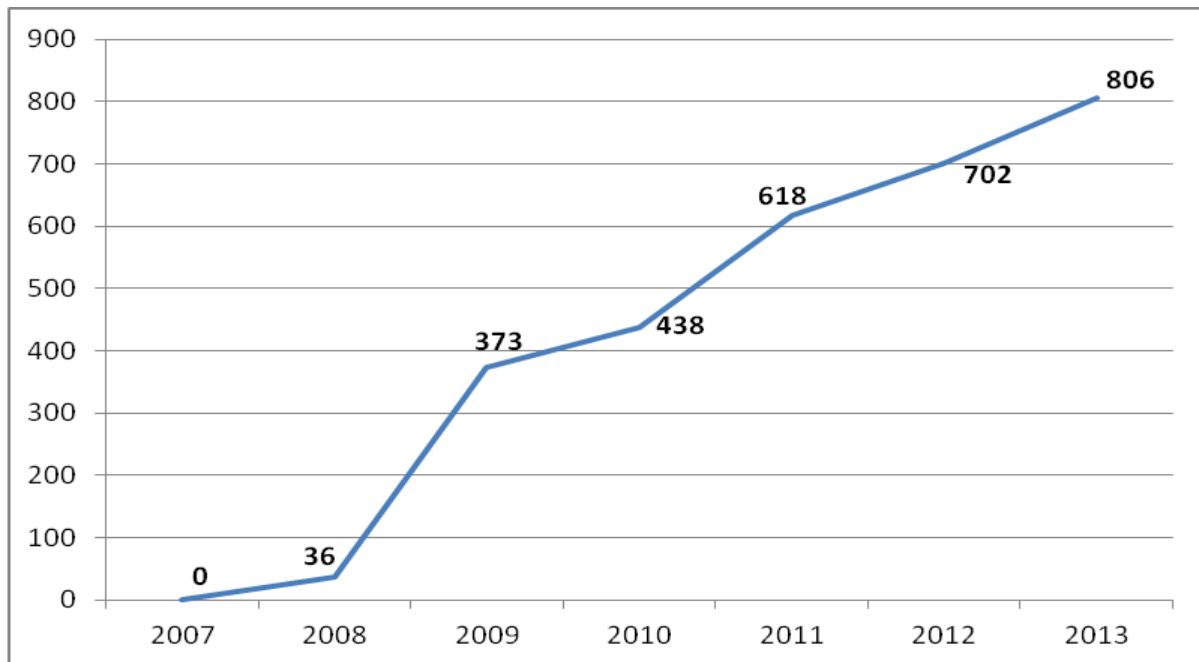


## Negotiated Settlements per year (2008-2013)

In the IAP, the parties have the option to negotiate a settlement to a claim without proceeding to an adjudicated hearing, provided agreement can be reached by both parties.

Although the NSP is handled primarily by Canada,<sup>4</sup> externally to the Secretariat, it is worthy to note its contribution to the resolution of claims. As shown in Figure 2 below, the NSP has had an increasing impact on the movement of claims over the course of the IAP, and is now responsible for the resolution of nearly 3,000 claims (see Table 1, above) – this represents approximately 12% of all resolved claims.

Figure 2



## Production

The Settlement Agreement established a target of 2,500 first-hearings per year. However, due to the large number of applications received, in 2011 it was agreed that the Secretariat would strive to achieve 4,500 first-hearings per year. The number of

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<sup>4</sup> Adjudicators are required to approve legal fees in all negotiated settlements.

hearings has increased substantially over the years, with 4,168 first-hearings held in 2012 and 4,074 in 2013.

The Secretariat's ability to hold hearings is heavily dependent on the efforts of the Parties. Therefore, several assumptions were made in the setting of the target of 4,500 first-hearings per fiscal year: claims would become hearing-ready<sup>5</sup> at a rate which allowed for an average of 375 first claimant hearings held per month; claimants' counsel and Canada would have the capacity to attend an average of 1,125 hearings per quarter; and, the Secretariat and Canada would have sufficient resources to process the necessary number of claims.

There remain significant challenges to meeting targets and completing the IAP mandate: specifically, the number and availability of 'hearing-ready' files for scheduling; the availability and preparedness of claimants to give evidence at hearings; the availability of claimant counsel, Canada's representatives, Elders, interpreters, and health support workers to attend hearings; the availability of suitable hearing venues; the capacity of Secretariat staff to arrange, and adjudicators to conduct, scheduled hearings; and the availability of necessary resources. One of the most significant challenges has been 'scaling up' all of these factors at the same rate. Any initiative to address a single factor is effective only if it is aligned with the other factors, to increase the overall rate of hearings.

In 2013, the Secretariat, in cooperation with stakeholders, made significant strides in developing and implementing strategies to increase the number of claims moving to a first-hearing. This is critical in completing the Secretariat's mandate, as the volume of claims that are ready to proceed to hearing has a direct impact on the duration of the IAP and the Secretariat's ability to hold hearings. Some examples of the new processes implemented in 2013 include Intensive Case Management, an Accelerated Hearing Process, and new efforts to mitigate the impact of hearing cancellations and postponements. These initiatives are discussed in detail later in this report. Additionally, new processes and projects are underway to address the negative effects of hearing postponements/cancellations and to support claimants through the hearing process.

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<sup>5</sup> A claim is deemed hearing-ready by the Secretariat following receipt of all mandatory documents from the Parties.

# Supporting healing and reconciliation among former students

## National Outreach Strategy

In April 2013, a revamped and renewed National Outreach Strategy was approved. This Strategy supports the Secretariat's strategic objective to ensure a claimant-centered approach to the IAP, and forms the basis of its ongoing work to engage claimants, families and communities in the IAP process.

A four-year plan, the Strategy highlights the importance of providing accessible, consistent and clear information to claimants, their families, key partners, stakeholders and communities throughout the administration of the IAP. The strategy includes three major goals: to build knowledge and awareness about the IAP; to advance stakeholder engagement; and to contribute to healing and reconciliation for former students.

In 2013, activities under the Outreach Strategy have centered on information sharing, development of new resource materials, relationship building with key stakeholders and communities, and on improving access to contribution funding through Group IAP (see below).

## DVD—“*Telling your story*”

As part of the *National Outreach Strategy*, the Secretariat approached Native Counseling Services of Alberta to produce a short video and accompanying booklet to provide claimants with information about an IAP hearing. It is hoped this tool will help reduce pre-hearing anxieties; provide claimants with clear and realistic expectations of the hearing process; ensure that claimants understand their rights in the IAP; and describe the roles and responsibilities of participants at the hearing. At the close of 2013, the English version had been completed and the French version was in the final stages of production. In addition to DVD format, both versions will be made available via [the Secretariat website](#) in conjunction with its formal launch at the Edmonton Truth and Reconciliation Commission National Event in March 2014.

## Group IAP

The Group IAP program, launched in 2008, provides contribution funding for groups of residential school survivors to conduct activities focused on healing or reconciliation.

Five contribution agreements totalling \$648,500 were approved in 2013. The agreements represented nine separate groups consisting of 187 IAP claimants.

In 2013, the Secretariat approved and implemented a four-year strategic plan for Group IAP. This plan identifies key responsibilities of the Group IAP Unit, aligns with the Secretariat's strategic outcomes and priorities, and identifies effective and efficient measures for the contribution funding program. The new strategic plan takes a proactive approach to stakeholder and partnership engagement, and includes an outreach plan to increase awareness of Group IAP. As part of this plan, the Secretariat overhauled its Group IAP application process in addition to a new Call for Proposal process for the 2014-15 fiscal year.

Funding of up to \$3,500 per eligible group member is available under Group IAP for selected proposals. Groups can propose a variety of activities to support the healing process. Some eligible activities include counselling sessions, workshops, and traditional and cultural activities such as sweats, round dances, pow-wows, sharing circles, healing circles, and potlatch ceremonies.

### **Truth and Reconciliation National Events**

In May and September 2013, Secretariat staff were honoured to attend the Truth and Reconciliation Commission's (TRC) National Events in Montreal and Vancouver. At both events, staff maintained an information kiosk where visitors were provided with information about the IAP, and claimants were able to receive one-on-one support or updates regarding their claims. In Montreal, staff served over 800 people, and in Vancouver, approximately 2,400 visitors stopped by, including 360 claimants who received individualized service. Staff also attended the events, heard speakers, and participated in the Vancouver Walk for Reconciliation.

The Secretariat will be present at the March TRC event in Edmonton, where the DVD "*Telling Your Story*" is set to be launched. Additionally, a group of adjudicators will present a 'gesture of reconciliation'.

### **Strategic Communications Plan**

In March 2013, a new two-year Strategic Communications Plan was approved. The Communications Plan focuses on IAP information products for claimants, claimant counsel, stakeholders and Canadians. It also includes internal communications within the Secretariat and with adjudicators. Some important aspects of the plan include:

updating information products on the internet site, focusing on information products for legal counsel, and the re-launch of the internal staff newsletter, the *Drum*.

### **Interpretation at Hearings**

During 2013, the Secretariat has worked on an Interpretation Strategy to improve the quality of interpretation at hearings. Cultural disparities and the sensitivity of the subject matter dealt with at an IAP hearing makes engaging qualified and culturally sensitive interpreters essential. A roster of qualified interpreters is in development and expected to take effect in spring 2014. The position of Interpreter Liaison at the Secretariat has been staffed, and necessary tools, processes, and resources have been developed, including an update to the Request for Hearing Form to allow earlier identification of claimant interpretation needs. Updates are underway for the process of hiring and payment of interpreters with the aim of improving consistency and quality of service. Materials for adjudicators and new resources are in development.

## **Moving claims at various stages of the IAP to resolution**

### **Accelerated Hearing Process (AHP)**

Having been developed by the Technical Sub-committee and approved by Oversight Committee, in June 2013, the Secretariat announced a new "Accelerated Hearings Process" (AHP). The primary focus of this project is to increase the number of hearings that can be held each week, while simultaneously increasing opportunities for high-priority claimants to be heard in a timely fashion. Both represented and self-represented claimants are eligible for this process.

Hearings are routinely scheduled in "blocks" in order to make the most efficient use of adjudicator and party availability. Building on lessons learned in the "Over 65" pilot project conducted in 2012, under the AHP, where a gap exists in an otherwise complete block, and no hearing-ready claims are available for that area, a non-hearing ready claim may be included to complete the block. Such cases are to be file-managed by an adjudicator before the hearing, with a view to attempting to make the file "hearing-ready."

When this process was designed, the Secretariat was facing significant challenges in having sufficient hearing-ready files. Since that time, an increase in the number of hearing-ready files has meant there has been little need to utilize AHP - only two AHP

hearings have been held to date. It is inevitable that this process or variations of it will be put to greater use in the coming years when there are fewer hearing-ready files to complete blocks of hearings.

### **Intensive Case Management (ICM)**

The ICM process is intended to address longstanding claims which have not yet become hearing ready. This process, focusing on claims where no recent correspondence has been received to indicate the progress of document collection, aims to open dialogue with legal counsel to identify sources of blockages and enable appropriate follow-up.

At the end of 2013, 389 files had gone through ICM, with an approximate 90% response rate from legal counsel. Of these, 61 (16%) became hearing-ready and were transferred for scheduling; 155 (40%) returned to the traditional document collection process for additional follow-up; and 80 (20%) were withdrawn or identified as deceased or lost contacts. For 25 claims, legal counsel withdrew their services. It is estimated that, overall, 30% of ICM claims will eventually be transferred to the IFR process (see below) for specialized resolution. Planned for 2014 is the adaptation of the ICM process for self-represented claims and increased integration with other initiatives, particularly the IFR.

### **Mandatory document collection and institutional blockages**

The primary qualification for a claim to be considered hearing-ready is the provision of mandatory documents required under the Settlement Agreement by claimants or their lawyers. These documents must be requested from various governmental, private and non-profit organizations, many of which have found it a significant challenge to keep up with the demand for record disclosure for IAP claims.

The Secretariat is working to explore and identify challenges faced by claimant counsel which results in delays in gathering mandatory documents. An initial analysis indicated blockages in the receipt of CPP and some corrections documents, with claimant counsel sometimes waiting more than a year to receive documents.

The Secretariat has successfully put in place a Memorandum of Understanding with Alberta Corrections, and discussions are ongoing with Saskatchewan Corrections to address backlogs. Corrections Canada is implementing procedures to improve provision of documents to counsel. Discussions with Service Canada/ESDC (formerly HRSDC) led to the development of an IAP-specific request form to allow best processing efficiency of CPP record requests; this was posted to the IAP website in August 2013.



## **Interactive File Management System (IFMS)**

The Interactive File Management System (IFMS) is an on-line, interactive tool designed to provide improved, real-time communication between claimant counsel and the Secretariat on the status of individual claims. First launched in 2011 with a pilot group of law firms, the system was rolled out nationally in 2012, and currently maintains active accounts with law firms across the country.

In 2013, significant development and expansion work was done in response to feedback from claimant counsel and Secretariat staff. Previously limited to the mandatory document collection process, new features released in November allow users to view files in the scheduling stage; provide up-to-date information on availability to participate in hearings and calls; access an interactive calendar of hearings; electronically submit logistical requirements; submit change requests; view post-hearing file statuses; and obtain information on the progress of decisions, fee rulings, and reviews.

## **Incomplete File Resolution (IFR) Procedure**

The Incomplete File Resolution (IFR) Procedure aims to address claims which have not reached resolution despite best efforts. These include claims where mandatory document collection efforts have been frustrated or, for various reasons, circumstances prevent the claim from reaching resolution through the normal hearing process (e.g., claimants who have passed away without providing testimony, claimants cannot be located). The IFR addresses fundamental gaps in the IAP – the IAP does not provide tools to allow the Secretariat to wind up irreconcilable claims, and adjudicators do not have the authority to dismiss claims short of a hearing.

The IFR Procedure was extensively negotiated during 2012-13 at the Technical Subcommittee of Oversight Committee, and then further negotiated and revised after consultations with the NAC. By the end of 2013, the IFR had been approved by the Oversight Committee and NAC, and has now been submitted for court approval with the Completion Strategy.

The first phase of IFR, anticipated for implementation in the spring/summer 2014, will provide a framework for Secretariat staff and adjudicators to assist claimants and counsel with 'stuck' files so that they may proceed through the normal hearing process wherever possible. The second phase of IFR, if approved, will allow an adjudicator to receive submissions from the parties and make a "Resolution Direction" which may, in

some circumstances, involve dismissing the claim. Currently, 1200-1500 files are anticipated to be referred to the IFR.

The IFR procedure document can be accessed on the IAP website at <http://www.iap-pei.ca/information/publication/ifrp-eng.php>.

### **Lost Claimants Protocol**

There exist a small yet significant number of claims which cannot currently proceed to resolution because legal counsel, or Secretariat staff working with self-represented claims, are unable to make contact with the claimants, despite best efforts. A proposal, developed by the Technical Sub-committee and Oversight Committee, with input from the National Administration Committee, for new approaches to find and reach these claimants has been brought forward as a part of the Completion Strategy to the Court. Proposed approaches include contacting individuals identified as trusted supports by the claimant; accessing public information such as online directories; accessing databases held by Aboriginal Affairs and Northern Development Canada (AANDC) or other government agencies; and contacting community organizations which may have contact with the claimant.

As the Secretariat awaits court approval of the Lost Claimant Protocol, operational work in 2013 has focused primarily on continued identification, review, and attempts to reach lost contact claims. At the close of 2013 approximately 300 claims have been identified as lost contacts.

### **Negotiated Settlement Process (NSP) related cancellations**

A new approach, approved by the Oversight Committee on August 20, 2013, will allow the Secretariat to improve efficiency by immediately cancelling a hearing once notification is received that a claim has entered the NSP. This will improve efficiency by releasing these hearing dates as early as possible for the scheduling of other hearing-ready claims. Previously, cancellations due to successful NSPs created significant difficulties due to the timing of the cancellations, often coming after logistical arrangements had been made, and too late for other claims to be substituted.

In the unlikely event that an NSP case does not settle through negotiation, the Secretariat will arrange a hearing for that claim on a priority basis.

## **Schedule P**

The Settlement Agreement (Sect. 11.02(1)) states that "...non-resident Claimants on being accepted into the IAP, must execute a Release in the form set out in Schedule "P" of this Agreement." Non-Resident Claimants who wish to resolve their IRS abuse claims in the IAP are required to sign this release so that, with the exception of their IAP claim, they too are "deemed to have released the Defendants for all claims arising from their IRS attendance or experience" (Schedule D, Item 3 (a)(i) (page 7).

Previously, the Secretariat had agreed to require a signed Schedule P immediately following admission to the IAP; claims could not proceed to document review and a hearing until the release was in place. In practice, obtaining the signed release could take months - if not years - and a great deal of concentrated effort.

In November 2013, after negotiation with Canada's representatives, the Secretariat announced that, given the pressing need to move claims through to hearing in a timely manner, represented claims requiring Schedule P would be permitted to proceed through document collection to a hearing, provided the release is signed prior to the hearing commencing. Should the claimant refuse to sign, the hearing would at that time be postponed or cancelled. Approximately 296 claims previously on hold for this reason are now proceeding. Due to legal requirements unique to self-represented claimants, their files requiring Schedule P remain on hold for the time being.

## **Deceased Claimants/Estate Claims**

Files for deceased claimants present a unique challenge, particularly when claimants have passed without opportunity to give sufficient testimony. As of the end of December, the Secretariat is aware of approximately 840 unresolved claims where the claimant has passed away. Of these, in only a fraction of the cases have estate representatives come forward to continue the claim. The majority of deceased claims have been on hold pending the resolution of review cases, which will determine whether and to what extent estate claims can be dealt with in the IAP. Deceased claims which cannot be resolved in the normal process are expected to be referred to the IFR process.

## **Unresolved Law Firm Conflicts**

When claimants move from one lawyer to another, the Secretariat must receive and review documentation to ensure that the claimant has clearly demonstrated his or her intent regarding representation, that appropriate procedures are followed and that all

parties are informed promptly. In past years, the volume of representation changes, and the need to provide consistent, specialized response to specific situations, has become a significant administrative task for the Secretariat.

In summer 2013, a new Legal Changes Unit was created within the Secretariat, putting into practice many of the lessons learned during the transition of thousands of files to new counsel after David Blott was removed from the IAP. Having one unit deal with all legal changes enhances efficiency and provides consistency. This unit is now responsible for tracking legal counsel changes and updates, and also works to resolve legal conflicts, where two or more law firms simultaneously claim representation of a claimant.

As of the end of the year, 80 files were identified as having active legal conflicts. Of these, 61 are considered 'long-term' conflicts.

### **New measures for getting counsel for Self-Represented Claimants**

Every claimant has the right to choose self-representation. However, experience has shown that those who retain legal counsel have an advantage in terms of compensation awards. After the application deadline, numbers of self-represented claims soared, and anecdotal information received by Secretariat staff indicated that many claimants were open to obtaining counsel, but were unsure how to proceed, or needed more information in order to dispel fears or to understand the potential benefits.

In the fall of 2013, the Secretariat embarked on a pilot project aimed at helping interested self-represented claimants to obtain legal counsel. Staff directly contacted individuals with information on the role of legal counsel and the Secretariat's Claimant Support Officers, and the IAP framework, including the most recent statistics on compensation, so as to provide claimants with tools to make an informed decision, and concrete next steps. Every effort is made to avoid pressuring claimants, and the choice of any claimant wishing to remain self-represented is respected. Based on the pilot project, which began in October 2013, 97% of self-represented claimants contacted were interested in retaining counsel.

### **Claimant hearing substitution**

In September 2013, the Oversight Committee approved an initiative intended to minimize the impact of hearing postponements and wait times for claimants by coordinating hearing substitutions among represented claims. When a represented claimant's hearing is cancelled, within certain strict guidelines, counsel may request the

substitution of another client to the same hearing date to minimize costs and take advantage of logistical arrangements already made. This will allow another claimant a hearing opportunity, and reduce costs and inefficiencies from postponements. Notice to legal counsel will be posted to the IAP website on January 8, 2014.

### **Student-on-Student Admissions**

The IAP allows compensation to former residents of Indian Residential Schools who suffered abuse by fellow students. However, compensation depends significantly on the existence of admissions that school staff had knowledge of such abuse occurring. In 2013, two important changes were made with respect to the handling of student-on-student claims.

*Master list of admissions:* The integrity of the IAP requires that claimant counsel be informed by Canada of admissions of staff knowledge of such abuse and failures of supervision (this list does not contain personal claimant information). Canada maintains a master list of such admissions for this purpose.

In May 2013, the Chief Adjudicator released a decision that the master list of admissions would be made available to all IAP claimant counsel. In order to access the document, lawyers must agree to a certification and professional undertaking limiting their use of the material. For self-represented claims, adjudicators will take a greater role in identifying and communicating relevant admissions to the claimant. The master list of admissions became available to counsel in September, 2013.

*Ordering the hearing of student-on-student claims:* Each student-on-student claim takes into account admissions arising from previously heard cases. A difficulty of this arrangement is that, once a decision is made, there is no current avenue for a claimant to benefit from subsequent new admissions. Therefore, in December 2013, the Oversight Committee approved a strategy to enable claims deemed likely to yield such admissions (based on information in the claim) to be heard prior to claims which might potentially benefit from them. In fall 2013, Canada provided a list of almost 2200 pre-hearing affected claims, of which 647 were identified as having best potential to generate new admissions. The strategy will make use of a conference call process to determine whether specific cases may be heard in advance of document completion. A formal launch with communications is expected in the spring of 2014.

## **Supporting the Chief Adjudicator**

### **Transition between the outgoing and incoming Chief Adjudicator**

In February 2013, Daniel Ish announced he would be leaving his role as Chief Adjudicator once a new Chief Adjudicator could be appointed. Following a Request for Proposals, the appointment of Daniel Shapiro, QC, approved by the Oversight Committee and ratified by the eastern Administrative Judge, was made effective on July 29, 2013.

Mr. Shapiro completed his law degree at the University of Saskatchewan in 1978 and is a member of the Bar in Saskatchewan. He is a founding member of the law firm Brayford Shapiro in Saskatoon, and was appointed Queen's Counsel in 1996. Mr. Shapiro has appeared as counsel in all levels of Court throughout Saskatchewan and Alberta, as well as in the British Columbia Supreme Court, the Tax Court of Canada and the Supreme Court of Canada. He has also chaired numerous labour and administrative tribunals. He has taught at the University of Saskatchewan's College of Law as well as at a number of Continuing Legal Education programs.

Mr. Shapiro served as a Deputy Chief Adjudicator (DCA) for the IAP since 2007 until his appointment to the position of Chief Adjudicator. Prior to that, he worked as a senior adjudicator under the Alternate Dispute Resolution system. As Deputy Chief Adjudicator, Mr. Shapiro specialized in the areas of complex track decisions and determining actual income loss by claimants. He chaired the Technical Subcommittee of the Oversight Committee and was instrumental in facilitating the development of the Short-Form Decision, Guidance Papers dealing with Complex Track claims and legal fees and the Accelerated Hearing Process (AHP).

Over the summer and early fall, the Chief Adjudicator participated in staff meetings, meetings with Deputy Chief Adjudicators, briefings by managers, and meetings with the Deputy Ministers of AANDC and Health Canada, the AFN, Law Society Discipline counsel nationally, and others.

### **New Deputy Chief Adjudicator**

Deputy Chief Adjudicators (DCAs) play a key leadership role in the IAP. In August 2013, a Request for Proposals was posted for the DCA position vacated by Dan Shapiro's

appointment as Chief Adjudicator. In November 2013, the Oversight Committee approved the appointment of Susan Ross, of Victoria, British Columbia, as the sixth DCA. Ms. Ross is an experienced adjudicator, having been with the IAP since its inception and during part of the DR program that preceded it. Ms. Ross has considerable experience as counsel in administrative law and privacy law matters and is a welcome addition to the adjudicatorial "executive team."

Deputy Chief Adjudicators must have a law degree with at least 10 years at the Bar, experience as a member of the judiciary or in the adjudication of claims, and have significant knowledge of Canadian Aboriginal people and their history, culture and current issues.

### **Assessment of adjudicative capacity**

Over the past year, the Secretariat has witnessed a decline in adjudicator capacity, due to departure, illness, death, or adjudicators' self-limiting the number of IAP cases they are available to handle. At the time of writing, the IAP has 93 adjudicators and six Deputy Chief Adjudicators.

In Fall 2013, a survey was conducted to identify the capacity of the current complement of adjudicators to conduct the work necessary to conclude the IAP. At this point, the Chief Adjudicator has not recommended a Request for Proposals for additional adjudicators; however, the situation is being closely monitored. Having sufficient adjudicator support is crucial to the success of the IAP, especially in these final years of hearings. Hearing targets are ambitious, and many of the additional initiatives described in this paper place additional demands on adjudicator capacity.

In addition to looking at the numbers of currently available adjudicators, it is crucial to take steps to support their ongoing wellbeing, satisfaction and personal resilience. Adjudicators are asked to take on difficult work with challenging travel and sometimes impossible deadlines. Adjudicator wellness will be a very important topic as we move closer to mandate completion. Special efforts are made in ensuring the best possible practices to address the challenges of recruiting and retaining Aboriginal adjudicators, and offering adequate opportunities for nurturing and advancement. For instance, at the Spring 2013 Regional Adjudicator meetings, a full-day session on vicarious trauma was conducted for adjudicators.

Planning is underway for regional adjudicator meetings to take place in Vancouver and Montreal in April, 2014. Each session is planned for two days.

## **Protecting the confidentiality of sensitive personal information**

### **Request for Direction on the disposition of records**

The question has been raised as to the ownership and eventual disposition of IAP records following the conclusion of the program. The Truth and Reconciliation Commission (TRC) has requested access to IAP records, and the Government of Canada, the Churches, and other stakeholders also carry an interest in the eventual disposition of these records.

Due to the highly sensitive nature of these records, it became clear that this question would need to be resolved by the courts. Though there had initially been promising discussions with the TRC regarding the possibility of bringing a joint Request for Direction, the TRC ultimately chose to file its own Request. With the assistance and support of the Oversight Committee, the Chief Adjudicator filed a Request for Directions with the Supervising Courts outlining the Secretariat's position on October 11, 2013. Both Requests are moving forward to be heard together in Toronto on July 14-15, 2014.

### **Security of personal information**

The Secretariat is committed to protecting the security of the personal information entrusted to it. In addition to supporting the Chief Adjudicator's Request for Direction regarding the disposition of IAP records, the Secretariat has been strengthening internal measures to protect claimant information.

In 2013, a new staff position was created to focus on security, all Secretariat staff were given mandatory training on secure handling of information and assets, and regular security sweeps were instituted in all offices. Data security was further protected through the issuance of encrypted audio recorders and secure USB storage keys to adjudicators, as well as the preparation of a manual of security requirements for adjudicators. Expansion of the IFMS system further enhances the ability of staff to discuss claims with counsel in a secure environment. Additionally, the protection of the Secretariat's information holdings is addressed in the Secretariat's Information Management Strategic Framework, drafted this past year to address all aspects of Information Management in the coming years.



On November 14, 2013, information related to 43 IAP claims was stolen from a vehicle belonging to an adjudicator on contract with Secretariat. The Secretariat took immediate action to address this incident, including undertaking an investigation, advising the Office of the Privacy Commissioner, and informing affected individuals of the breach. Additional security measures have been put in place for adjudicators, including a manual on security requirements and additional training.

### **Hearings in correctional facilities**

Following an incident during a hearing held at a correctional facility in the summer of 2013, the Secretariat examined new approaches to hearings in prisons to ensure the security of all, while maintaining high standards of claimant-centered service. A new initiative, which ensures hearings are held in administrative wings of prisons rather than within the prison's general population when possible, was implemented in fall 2013. Secretariat staff are also reaching out to officials in individual facilities for information exchange regarding the nature and appropriate provisions of an IAP hearing and the specific security needs for individual hearings.

## **Respecting claimants' rights in the IAP**

### **Blott & Company**

In the course of the investigation leading to the removal of law firm Blott and Company from the IAP in 2012, it was discovered that the firm had possession of completed applications which had not been filed. In the court's decision, it was declared that these affected claimants were considered to have met the application deadline. Throughout the year, the Secretariat and the court monitor have worked with successor counsel to ensure these claims are submitted. At the end of 2013, there remain approximately 300 outstanding applications which have been transferred to successor counsel but not yet filed; in many cases, this is due to an inability to contact the claimants. The Chief Adjudicator and the Secretariat are working with the Court Monitor and stakeholders to find a just solution for these outstanding claims.

### **Regulation of lawyers' conduct in the IAP**

The conduct of lawyers has a significant impact on the ability of the IAP to succeed in its objectives. Although the majority of IAP lawyers conduct their work in good faith to the benefit of claimants and the process as a whole, the actions of a small minority of

lawyers can have far-reaching consequences and affect outcomes for claimants and other parties. For this reason, the Secretariat has supported the Chief Adjudicator in a number of efforts to ensure that claimants remain protected and aware of their rights, and to guide counsel in their interactions with the process.

In March 2013, the Chief Adjudicator issued a directive, CAD-10, regarding the steps expected of counsel when withdrawing from a claimant's file, most especially in terms of ensuring that appropriate efforts are made to notify the claimant.

In September 2013, the Chief Adjudicator presented a paper in Ottawa to a conference of 50-60 Discipline Administrators from every Law Society in Canada, to discuss areas of concurrent responsibility regarding the regulation of the conduct of lawyers.

As discussed below, in October the Chief Adjudicator published updated "Expectations of Legal Counsel". At the same time, revisions were made to the Guidance Paper outlining Adjudicators' responsibilities to review legal fees and a new accompanying form was distributed, making clear to claimants and counsel that claimants must receive the full net amount as approved by the adjudicator.

When the firm Blott & Company was removed from the IAP in 2012, the resulting disruption to the IAP and their former clients was significant. The Secretariat maintains a Contingency Plan to respond to such situations, incorporating learning from this experience to minimize disruption to the process, and to protect claimants' rights.

It is anticipated that the Integrity Protocol and the results of ongoing Requests for Direction regarding specific investigations (discussed below) will also help to preserve the vital role played by claimants' counsel in the IAP.

### **Williams Lake**

In late summer of 2012, then Chief Adjudicator Dan Ish undertook an investigation into the activities of an individual in the Williams Lake district of British Columbia with respect to possible extortion of funds from IAP claimants, and additional concerns with respect to the falsification of applications and inaccurate translation at hearings. At the time, the individual was alleged to be associated with a Vancouver-based law firm. In the Fall of 2012, the Chief Adjudicator provided the information collected during the investigation to the Court Monitor, who subsequently filed a Request for Direction to the Supervising Courts seeking a formal investigation into these matters.

Following a hearing in Vancouver, Justice Brown of the British Columbia Supreme Court issued an order on January 30, 2013 banning the individual, who was on parole from a murder conviction, from any further participation in the IAP. This individual's parole was subsequently revoked as a result of these allegations.

On February 11, 2013, by order of the court, the Secretariat issued a notice, available on the IAP website, regarding the removal of Mr. Ivon Johnny from all participation in the Independent Assessment Process. The Notice has been distributed to community organizations, claimants and media in the Williams Lake area. During the week of March 11-15, 2013, representatives from the Secretariat participated in a series of community meetings in the Williams Lake area to provide information on the IAP to claimants and community members who may have been affected by the incidents.

In a consent order issued February 22, 2013<sup>6</sup>, Justice Brown ordered the Court Monitor to conduct a review of the law firm alleged to be involved. The Order required that the firm retain a practice advisor to establish, and ensure compliance with, a practice plan for the remaining IAP claims.

In September, 2013, the Court Monitor filed a further Request for Directions, seeking to compel the firm to provide further document disclosure. The Chief Adjudicator supported the RFD; however, given the lack of obvious progress in the Court Monitor's review to that time and that no interviews had taken place, the Chief Adjudicator's legal counsel urged the court to take more significant measures to protect the interests of claimants and the integrity of the IAP. Canada supported one of these additional measures. On October 15, 2013, Justice Brown ordered the firm to produce further documents, but declined to order any additional remedial measures, ruling that these should be requested by separate application.

The Court Monitor interviewed the lawyer involved over two days in December, 2013. At that time, the lawyer refused to swear an oath or take an affirmation with respect to the questioning and many objections were raised by his legal counsel. As a result, arrangements were made to resume the questioning in February 2014.

The Secretariat continues to support the Chief Adjudicator's role in the ongoing Request for Direction and investigative proceedings, and to incorporate directions regarding additional verification requirements for the continued processing of affected claims represented by this firm.

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<sup>6</sup> In fact, due to concerns with what he perceived as serious shortcomings in the proposed order, the Chief Adjudicator declined to endorse his consent on this order.

## **Manitoba Form-fillers**

In November 2012, then Chief Adjudicator Dan Ish submitted a Request for Directions to the courts dealing with a number of issues involving form-filling agencies, primarily in the province of Manitoba. The Chief Adjudicator's legal counsel had been instructed to invite the Court to first rule on the jurisdictional question of whether the fee review authorities, delegated to adjudicators in the IAP Implementation Orders, were broad enough to capture the conduct of non-lawyers. In an interim ruling of June 28, 2013, Justice Brown of the Supreme Court of British Columbia directed that the factual underpinnings of the Chief Adjudicator's allegations be put before the court before the jurisdictional issue would be determined, referring the ultimate decision in that regard to the Manitoba Supervising Judge. The Chief Adjudicator's office was therefore put in the position of gathering affidavit evidence to be put before the Court in the form of a "pilot case". These materials were filed with Court Counsel on December 13, 2013. It is expected that the matter will be dealt with by the Manitoba Supervising Judge in the spring of 2014.

The Chief Adjudicator's updated "Expectations of Legal Practice in the IAP" (see below) include expectations specific to form-filling agencies and their relationships with claimants and counsel.

## **IAP Integrity Protocol**

As mentioned in the introduction to this report, a great deal of effort and negotiation has progressed this year towards the creation of an IAP Integrity Protocol, which will serve as a model through which complaints against legal counsel, or others purporting to act on behalf of claimants in the IAP, may be investigated and potentially resolved. This protocol is expected to protect claimants by providing a vehicle through which such complaints may be fairly and expeditiously examined, while simultaneously helping to alleviate some of the investigative burden which has been placed on the office of the Chief Adjudicator in this area, thus supporting its neutrality and capacity to conduct the work of the IAP.

After extensive negotiation, agreement on an initial Protocol was reached with Canada, the Chief Adjudicator, and the Court Monitor in December 2013. At the time of writing this report, the protocol has been approved by the Oversight committee and submitted to the courts.

## **Protecting claimants**

In October 2013, Chief Adjudicator Shapiro released updates to the “Expectations of Legal Practice in the IAP” which sets out the minimum standards of practice in the IAP. The new measures are designed to protect claimants from lawyers who engage in unconscionable and illegal conduct. This document is available on the IAP website.

The new guidelines are intended to supplement existing rules established under the IAP, the Bar Association, and provincial Law Societies by curtailing such practices as:

- Facilitating third party loans and cash advances to claimants, which may result in violations of the Settlement Agreement and the Financial Administration Act;
- Relying on non-lawyer form-fillers to solicit claimants, and facilitating the payment of significant fees – taken improperly from settlements – to form fillers;
- Failing to disclose full information about all fees charged to claimants, which impedes adjudicators from carrying out their responsibilities in the legal fee review process; and
- Improperly charging claimants for disbursements.

### **Mistassini Hostels recently added to the list of IRS schools**

On March 27, 2013, Chief Justice Rolland of the Quebec Superior Court approved an Order allowing former students who resided at Mistassini Hostels in Northern Quebec to submit applications for the Common Experience Payment (CEP) and the IAP until September 2, 2013.

Initial projections by AANDC indicated that there could potentially be over 180 new IAP claims; however, the Secretariat received fewer than 20 applications by the application deadline.

It is difficult to predict at this time whether more schools will eventually be added under Article 12. Currently, options such as reconsideration and appeals to the National Administration Committee or to the Courts could mean that existing claims may take more than a year to be resolved. What is clear is the need for the Secretariat to be prepared to process new IAP applications should that time come, with the same commitment and fairness shown to those that came before them.

# **Towards completing the remaining caseload in an efficient and timely manner**

## **Completion Strategy**

With support from the Secretariat, the Chief Adjudicator submitted a Completion Strategy to the Supervising Courts in January 2014. The strategy provides an overview of the progress made to date in the IAP, and outlines the Chief Adjudicator's proposed plan for resolving the remaining IAP caseload in a fair, impartial and claimant-centred manner.

The Completion Strategy highlights the numerous measures the Secretariat has adopted to increase the number of claims that can be processed each year, including:

- Expediting hearings for elderly or frail claimants.
- Scheduling "blocks" of hearings wherever possible to allow more hearings to be scheduled and maximizing the efficiency of adjudicators' and parties' time.
- Working with agencies that hold the medical, employment and other documents that are required to support IAP claims to reduce delays.

As discussed above, the proposed Incomplete File Resolution (IFR) Procedure and a "Lost Claimants" Protocol have been submitted along with the Completion Strategy; these measures support the proposed completion plan and portions of each are subject to approval by the Courts.

The Secretariat currently projects that all claimant first hearings will be held by the spring of 2016, and that all post-hearing work will be finalized by spring 2018, with final close-up activities after that.

## **Capacity and capability to carry out the mandate to completion**

Human Resources: Recruitment and retention of skilled, experienced staff remained a key challenge in 2013. The Secretariat staff complement on December 31, 2013 was 241, or 88% of full capacity. Achieving the goal of holding 4,500 hearings annually is directly related to the ability to reach full capacity, to say nothing of the toll on wellness and effectiveness of the existing staff due to the higher workload.

The Secretariat has put into place a number of strategies with the agreement of the AANDC Deputy Minister to allow for more hiring flexibility. This includes additional HR advisory services to assist with resourcing obstacles and using secondments, assignments, casual contracts and temporary help to address operational and administrative gaps in key areas.

In addition, the Secretariat is providing training sessions on resiliency and vicarious trauma for staff wellness, as well as flexible work arrangements in support of work-life balance.

Financial Resources: Budget 2012 provided funding from 2012-13 to 2015-16, with the expectation that the IAP would begin winding down in 2014-15 and finish in 2015-16. Due to the unanticipated high volume of applications in the final weeks leading up to the application deadline, the Secretariat will have a funding shortfall in 2014 as well as 2015, and will require funding for future years.

Extensive work was undertaken in the fall and winter of 2013 to identify the funding requirements for future years. The Secretariat is working closely with its counterparts in AANDC to ensure required funding will be in place until the conclusion of its mandate.

Procurement: The Secretariat is responsible for managing a large number of contracts – for about 100 Adjudicators/DCAs; Oversight Committee members; medical, psychological, and actuarial assessment professionals, and legal services. The Secretariat is in a unique position with respect to contracts due to requirements set out in the Settlement Agreement, and the need to comply with government contracting policies.

In 2013, the Secretariat faced the added challenge of some contracts reaching AANDC's financial contracting limits. Without increasing the proper procurement limits, the Secretariat could be severely negatively affected in conducting its business. The Secretariat is working with both AANDC and Public Works and Government Services Canada to secure higher funding authorities.

### **Priorities for 2014**

The Secretariat has seven long-term strategic objectives, each supported by a priority designed to improve the delivery of the IAP while enhancing the claimant's experience and protecting their rights. The priorities identified for 2014 emphasize the importance of making the best possible use of available resources, improving the movement of files, maximizing Aboriginal stakeholder relationships, making better use of available

technologies, developing staff, and working with stakeholders and other federal departments to support the completion of the IAP mandate.

### **Strategic Objectives**

### **Priorities for 2014**

<i>Process claims in a timely manner</i>	Take steps to ensure the timely movement of IAP files through the process, both pre- and post-hearing.
<i>Ensuring a claimant-centered approach</i>	Communicate and implement initiatives through strong, mutually beneficial partnerships that support the sharing of information as well as healing and reconciliation among former students, their families and the communities.
<i>Manage resources economically, efficiently and effectively</i>	Identify and align the required human and financial resources to allow the IRSAS to deliver on its mandate and achieve the established targets.
<i>Manage information effectively</i>	Develop and implement strategies on sharing and disposing of file material in a manner that protects the confidentiality of sensitive personal information in accordance with the court's direction.
<i>Provide support to the Chief Adjudicator</i>	Provide timely, expert technical assistance and policy analysis to the CA.
<i>Promote a healthy work environment/organizational wellness</i>	Provide staff with increased career development opportunities to ensure they have the necessary skills to continue providing IAP claimants with exceptional service.
<i>Completion of the IAP</i>	Develop a closeout plan outlining all tasks required to bring the IAP to an official close.

### **Completion Action Plan**

The Secretariat is currently planning a comprehensive Completion Action Plan in conjunction with our counterparts at AANDC. Utilizing the Completion Strategy, initial



planning began in the summer of 2013 to identify assumptions for workload for each year to the end of the IAP. In addition, discussion occurred in fall 2013 between Secretariat and AANDC senior management to identify operational requirements and considerations to guide the planning process. IRSAS Executive Team have taken the assumptions and are developing organizational charts for each year of the IAP, as well as O&M requirements. The Completion Action Plan will identify the steps necessary to ensure the government meets its obligations related to the Settlement Agreement, while effectively managing human resources, budgets, information management and technology, infrastructure and change management as the IAP comes to an end. Given the many facets of the Settlement Agreement, the Secretariat must work together with partners to ensure that appropriate resources are in place to support continued implementation until the end of its mandate.

### **IAP Report on the Achievement of Objectives**

In February 2013, the Oversight Committee approved the development of an IAP Report on the Achievement of Objectives. The purpose of this report is to inform the Oversight Committee on activities implemented by the Secretariat in achieving its goals. The report will describe the IAP and how the IAP was implemented, summarize the circumstances leading to development of process improvements, discuss issues of integrity, and analyze the actual results against each identified objective. It will also highlight efficiencies, best practices and lessons learned.

It was first important to have a clear understanding of the objectives of the IAP. To do this, a preliminary engagement exercise was initiated with key stakeholders and staff responsible for implementing the IAP. Additionally, consultations were conducted with focus groups which further helped to define the objectives of the IAP and to provide direction on the type of information that could prove beneficial in the report.

It is expected that the final draft of the report will be submitted to the Oversight Committee in the Spring of 2016.

### **In closing**

The Secretariat finds itself in the position of achieving the highest production rates seen since the inception of the Settlement Agreement, while simultaneously preparing for the completion of the IAP mandate. This means that the Secretariat must process the

remaining caseload in an efficient and timely manner and at the same time maintain adequate resource levels through to the end of the process.

The Secretariat's more proactive role with claimant counsel and implementation of various process improvements has made an impact, with more efficient and effective movement of claimant files to hearings and ultimately decisions. These process improvements have helped achieve a sufficient number of hearing-ready files, likely enough to achieve 4,500 first-hearings in 2014. However, the ability to reach this goal can still be affected by a number of unknowns which are beyond the Secretariat's control.

The Completion Strategy, described above, is designed to enable the Secretariat to limit the effects of many of the potential unknowns mentioned in this report. It is a guide to process the remaining caseload in efficient and timely manner and to address claimants who are unable to appear.

### **In Memoriam**

On behalf of all involved in the IAP, both past and present, I want to recognize the passing of individuals who shared their talents in helping to shape the story of the IAP.

Randy Bennett, Court Counsel for the Indian Residential Schools Settlement Agreement, passed away on the evening of January 3, 2013, after a short illness.

Bob Pelton, IAP adjudicator since 2007, passed away on January 22, 2013, after succumbing to complications associated with Pulmonary Fibrosis.

Firoz Dossa, IAP adjudicator since 2008, passed away on December 20, 2013.

We extend our condolences to the families and colleagues.