

MANAGEMENT RESPONSE AND ACTION PLAN - ORIGINAL

Evaluation Report Title: Evaluation of the Indigenous Courtwork Program
Approval Date of Evaluation by Deputy Minister (mm/yyyy): March 2018

Recommendation 1: It is recommended that Justice Canada, in collaboration with the provinces, territories and service delivery agencies, as appropriate, review the scope of services and activities of the Courtworkers in the ever-changing criminal justice system. Consideration should include how to best align funding with the priorities.

Rationale for Recommendation:
 The roles of Courtworkers vary across regions depending on the courts served, regional priorities, their level of experience and skills, the expectations of the court and the programming environment. Some Courtworkers play a more active role than others in areas such as promoting and coordinating links to Indigenous community justice programs and providing detailed information on the life circumstances of their clients. In some jurisdictions, the Courtworker role has evolved to include services to Indigenous people in family court, and the provision of services and support to specialized courts such as First Nations, *Gladue*, domestic violence and drug treatment courts.

The flexibility of the Program, particularly the ability to tailor the services to the needs of clients, the capacity of the Courtworkers and the other resources available, is a frequently identified strength of the Program. Over time, the role and range of services provided have tended to expand as the Courtworkers gain experience and confidence, face pressures to provide additional services, are increasingly recognized and valued by justice officials, and develop stronger linkages with the communities and other programming. The expanded role has enhanced the services provided, improved coordination across programming, and given the Program more credibility. However, it has also placed greater pressure on the Courtworkers.

Management Response:
 We agree with the recommendation and rationale to review the scope of services and activities of the Courtworkers including:

- the implementation of *Gladue* Principles (e.g., writing *Gladue* reports, speaking to sentencing) and the corresponding need for capacity development;
- the expansion of Courtworkers services to support specialized courts;
- the need/demand for Courtworker services in under-served communities;
- the need/demand for Courtworker services to be introduced earlier in the criminal justice process as well as in family or civil matters;
- the sub-groups of clients requiring more intensive services, e.g., high needs clients, youth, and repeat offenders; and,
- the need for outreach to improve collaboration with community services.

However, the expansion of services into all areas mentioned above falls within provincial/territorial jurisdiction and is highly dependent on access to additional resources or reprioritization of resources. Discussions to determine the appropriate scope, framework, processes and timelines for the review will need to be discussed with provincial and territorial funding partners and service delivery agencies.

Action(s)	Deliverable(s)	Accountability	Planned Completion Date
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What SMART action(s) will be taken to address this recommendation?	Expected deliverable(s) to demonstrate the completion of the action.	ADM responsible for implementing the action.	
A series of discussions with provincial/territorial partners and TWG members will be held in 2018-19 to determine the appropriate framework including scope, processes and timelines for the review.	Framework for review of the roles and responsibilities of the Courtworkers.	Senior Assistant Deputy Minister, Policy Sector	June 2019
Recommendations related to the review of Courtworkers services as listed above will be developed for consideration by FPT Deputy Ministers Responsible for Justice and Public Safety.	A conference document with recommendations related to the review of Courtworker services will be prepared for discussion by FPT Deputy Ministers Responsible for Justice and Public Safety.	Senior Assistant Deputy Minister, Policy Sector	January 2021

<p>Recommendation 2: It is recommended that Justice Canada, in collaboration with the Tripartite Working Group (TWG), review the Terms of Reference with a view to developing recommendations for consideration by the FPT Deputy Ministers Responsible for Justice and Public Safety that will modernize the TWG Terms of Reference. Consideration should include:</p> <ul style="list-style-type: none"> • the directions identified in the Strategic Plan; and, • the role of the TWG in decision-making processes, for example, identification of priorities for the TWG Project Funding.
<p>Rationale for Recommendation:</p> <p>The TWG has provided a useful forum for ongoing monitoring and discussion of inter-jurisdictional issues related to the ICW Program. Opportunities were identified to address structural issues in order to increase the collaboration and effectiveness of the Group. The issues included the lack of decision-making authority and the ability of the TWG to provide meaningful input into decisions and/or policy. It was also suggested that collaboration and consensus building would benefit from providing more time to discuss the concerns of members, increasing openness and transparency, having more face-to-face meetings, and establishing a clear code of conduct and expectations regarding how members will interact with one another.</p>
<p>Management Response:</p> <p>We agree with the recommendation to review and modernize the Terms of Reference, as the relationships developed within the TWG and the information acquired from it have been invaluable in informing ongoing policy and program development at Justice Canada.</p> <p>The TWG reports through the FPT Working Group on the Indigenous Courtwork Program to FPT Deputy Ministers Responsible for Justice and Public Safety; therefore, changes to the terms of reference of the TWG would need to be scheduled for the appropriate FPT meetings, which may cause some delays in decision making.</p> <p>Moreover, the ability to achieve consensus is highly dependent upon collaboration by other members of the TWG. The Working Group currently has 35 members (federal, provincial, territorial and service delivery agency representatives) from across Canada.</p>

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
Discussions with TWG members to determine the appropriate scope and framework for the review of the TWG mandate and terms of reference. This will be done at the annual face-to-face meeting and subsequent teleconferences.	Framework for the review of the TWG Terms of Reference.	Senior Assistant Deputy Minister, Policy Sector	June 2019
A consensus-based collaborative TWG process will be used to develop recommendations related to the modernization of the Terms of Reference for consideration by FPT Deputy Ministers Responsible for Justice and Public Safety. This will be done in alignment with the directions identified in the Strategic Plan.	A conference document with recommendations related to the Terms of Reference will be prepared for discussion by FPT Deputy Ministers Responsible for Justice and Public Safety.	Senior Assistant Deputy Minister, Policy Sector	June 2020
Implementation of approved changes to modernize the TWG Terms of Reference.	TWG Terms of Reference are modernized	Senior Assistant Deputy Minister, Policy Sector	January 2021