

Indian Residential Schools Resolution Canada

2008-2009

Report on Plans and Priorities

The Honourable Chuck Strahl
Minister of Indian Affairs and Northern Development
and Federal Interlocutor for Métis and Non-Status
Indians

TABLE OF CONTENTS

SECTION I—OVERVIEW	3
MINISTER’S MESSAGE	4
MANAGEMENT REPRESENTATION STATEMENT	5
RAISON D’ÊTRE	6
ORGANIZATIONAL INFORMATION	6
VOTED AND STATUTORY ITEMS DISPLAYED IN THE MAIN ESTIMATES	9
DEPARTMENTAL PLANNED SPENDING AND FULL-TIME EQUIVALENTS	10
SUMMARY INFORMATION	11
PROGRAM ACTIVITY BY STRATEGIC OUTCOME	12
DEPARTMENTAL PLANS AND PRIORITIES	13
SECTION II—ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME	15
ANALYSIS BY PROGRAM ACTIVITY	16
<i>Strategic Outcome</i>	16
<i>Program Activity: Claims Resolution</i>	16
<i>Implementation of the IRSSA</i>	16
<i>Continued Operation of the National Resolution Framework</i>	19
<i>Financial Resources</i>	21
<i>Human Resources</i>	21
SECTION III—SUPPLEMENTARY INFORMATION	22
TABLE 1: DEPARTMENTAL LINKS TO THE GOVERNMENT OF CANADA OUTCOMES	23
ELECTRONIC TABLES	23

SECTION I—OVERVIEW

Minister's Message

On behalf of Indian Residential Schools Resolution Canada (IRSRC), I am pleased to present to Parliament and the people of Canada the departmental *Report on Plans and Priorities* for 2008-2009.

IRSRC is dedicated to resolving the legacy of the Indian Residential School (IRS) system. Since Canada agreed to move forward with the Indian Residential Schools Settlement Agreement (IRSSA) in May 2006, a considerable amount of work has been completed in the Department to prepare for its implementation.



The coming years will be characterized by the successful implementation of the IRSSA. This period will bring this Department even closer to its goal: a fair and lasting resolution to the legacy of IRS. The IRSSA will serve to foster reconciliation and build partnerships amongst former students and their families, and all Canadians.

This *Report on Plans and Priorities* describes the Department's agenda for the three-year planning period of 2008-2009 to 2010-2011 and sets out its commitment to resolve the legacy of IRS.

The Honourable Chuck Strahl, P.C., M.P.

Management Representation Statement

I submit for tabling in Parliament, the 2008-09 Report on Plans and Priorities (RPP) for Indian Residential Schools Resolution Canada.

This document has been prepared based on the reporting principles contained in *Guide for the Preparation of Part III of the 2008-09 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- It is based on the department's strategic outcome(s) and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable 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 of Canada Secretariat.

Peter Harrison
Executive Director and Deputy Head

Raison d'être

Indian Residential Schools Resolution Canada is dedicated to resolving the legacy of the Indian Residential School system. Within its mandate, the Department has undertaken to:

- Work with former students of Indian Residential Schools, their families and communities, other federal government departments, provincial and territorial governments, Aboriginal peoples and organizations, Churches involved in running Indian Residential Schools, and other interested groups on the implementation of the Indian Residential Schools Settlement Agreement (IRSSA) and in support of initiatives that promote healing and reconciliation; and,
- Resolve claims in a timely fashion, through dispute resolution methods and litigation that are compassionate for claimants.

Organizational Information

The Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians is the Minister responsible for Indian Residential Schools Resolution Canada.

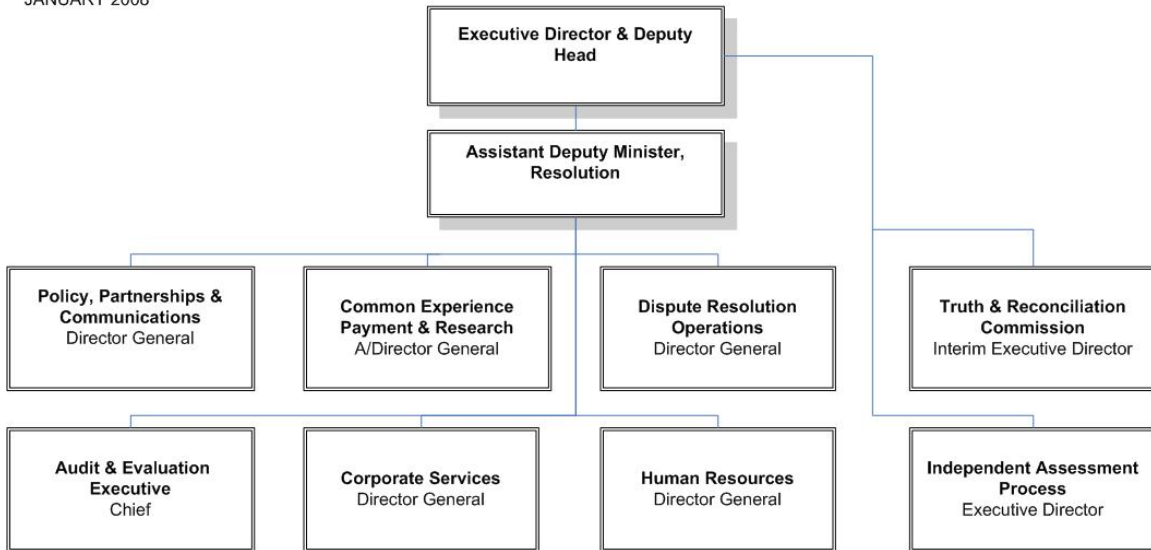
As illustrated in the organizational chart below, the Minister is supported by the Department's Executive Director and Deputy Head. The Executive Director and Deputy Head is accountable for the overall management of the Department, strategic policy direction, and the provision of executive support to the Minister.

The Department's organizational structure changed over the year to better meet the mandate to resolve claims and address issues arising from the legacy of Indian Residential Schools as well as the larger objective of reconciliation and building a new relationship with Aboriginal peoples.

The current organizational structure is shown on the next page.

INDIAN RESIDENTIAL SCHOOLS RESOLUTION CANADA

JANUARY 2008



The Executive Director and Deputy Head is directly supported by the Assistant Deputy Minister, Resolution (ADM), the Interim Executive Director, Truth and Reconciliation Commission (TRC), and the Executive Director, Independent Assessment Process (IAP). He is responsible for ensuring the successful implementation of the IRSSA and the continued resolution of claims under the National Resolution Framework.

The ADM is accountable for providing the executive leadership for the management and operations of Indian Residential Schools Resolution Canada, including the development and implementation of key departmental priorities, issues and policies to enhance the Department's capacity to promote and advance its transformation to implement the IRSSA.

The Interim Executive Director, TRC is responsible for establishing the TRC and for ensuring that preparations have been completed to enable Commissioners to begin addressing their mandate. The Interim Executive Director is also responsible for providing professional leadership and rigorous attention to detail in identifying the requirements associated with setting up the Commission and in developing and implementing accountability systems and other Treasury Board requirements while respecting the TRC mandate.

The Executive Director, IAP is accountable for the operation of the IAP Secretariat, ensuring that it meets the objectives and enforceable requirements of the IRSSA with respect to IAP. The Secretariat must be operated and managed in a way that supports the requirements for independence and scrutiny and as such reports to the Chief Adjudicator, while also reporting to the Executive Director and Deputy Head of IRSRC on his accountability requirements. The Secretariat is required to resolve a minimum of 2,500 claims per year and meet the 9 month standard for scheduling hearings. Moreover, the position requires that effective measures are in place within the Secretariat to receive the

automatic and elective transfer of thousands of claims from the current Alternative Dispute Resolution (ADR) model.

The Director General, Policy, Partnerships & Communications, is accountable for developing and monitoring the implementation of the Department's strategic policy framework and providing policy advice and support. The Director General is also responsible for internal and external communications, media relations, strategic planning, and Parliamentary Affairs, including liaison with Parliamentarians and the Minister's Office; outreach to Aboriginal communities, Indian Residential Schools survivor societies, and the general public; liaison with national and regional Aboriginal organizations; and the strategic management and administrative delivery of the Commemoration Program and the Advocacy and Public Information Program. This Branch also oversees the Partnership Agreement Program and coordinates implementation of IRSSA activities.

The Director General, Corporate Services, is accountable for managing and providing corporate leadership in the development of programs, plans, and strategies to integrate and ensure the integrity of corporate priorities in finance, administration, materiel management, procurement, Information Technology, Access to Information and Privacy (ATIP) Program, records management, and performance management.

The Director General, Dispute Resolution Operations, is accountable for the management of operations relating to the ADR Process and litigation, and ensuring that claims, including top-up settlements under the IRSSA, are administered and resolved in accordance with established program authorities, processes, and the approved compensation framework.

The Director General, Common Experience Payment and Research is responsible for processing all Common Experience Payment applications within the Department, assessing eligibility of Applicants, establishing and maintaining a Reconsideration Process, and assisting in the Appeals Process. The Branch is also responsible for all historical research in support of the Common Experience Payments, the Independent Assessment Process, the ADR Process, the litigation process, ATIP requests, additions to the list of Indian Residential Schools, and potentially any historical research requirements of the TRC. The Branch also processes documents submitted by parties in the ADR Process and IAP and manages departmental information concerning settlements.

The Director General, Human Resources is responsible for establishing the framework for the management of human resources within the Department from classification to staffing, and learning and development.

The Chief Audit and Evaluation Executive (CAEE) is responsible for the development and conduct of an audit program and of an evaluation program. The CAEE is also responsible for all audit related liaison with the Office of the Auditor General and the Office of the Comptroller General, as well as evaluation related liaison with the Treasury

Board Secretariat. The CAEE provides support to the independent outside Audit Committee.

Voted and Statutory Items displayed in the Main Estimates

Vote or Statutory Item	Truncated Vote or Statutory Wording	2008–09 Main Estimates	2007–08 Main Estimates
55	Operating expenditures	275.7	452.9
60	Grants and contributions	10.0	134.0
(S)	Contributions to employee benefit plans	9.0	9.8
	Total Department (\$ millions)	294.7	596.7

Departmental Planned Spending and Full-time Equivalents

(\$ millions)	Forecast Spending 2007-08	Planned Spending 2008-09	Planned Spending 2009-10	Planned Spending 2010-11
Claims Resolution	596.7	294.7	285.5	251.5
Budgetary Main Estimates (gross)	596.7	294.7	285.5	251.5
Total Main Estimates	596.7	294.7	285.5	251.5
Adjustments				
Supplementary Estimates A				
Compensation for incremental salary adjustments	0.6	-	-	-
Contribution to the Aboriginal Healing Foundation	25.0	-	-	-
Supplementary Estimates B				
Expenditure Review Committee Savings	(4.7)	-	-	-
Other				
Collective Bargaining Adjustments	0.2	-	-	-
Total Adjustments	21.1	-	-	-
Total Planned Spending	617.8	294.7	285.5	251.5
Plus: Cost of services received without charge	9.8	10.6	10.7	10.6
Total Departmental Spending	627.6	305.3	296.2	262.1
Full-time Equivalents	339	559	605	420

Forecast spending in 2007-08 is in line with the Main Estimates and Supplementary Estimates. The planned spending for 2008-09 decreases considerably from the 2007-08 forecast spending. This reflects the fact that a number of one-time expenses, such as the Contribution and Grant to the Aboriginal Healing Foundation, the payment of legal fees, and the funding for the TRC were included in planned spending for 2007-08. The planned spending for 2008-09, 2009-10, and 2010-11 is a function of the focus on the IAP Secretariat.

Summary Information

Financial Resources (\$ millions)

2008-09	2009-10	2010-11
\$294.7	\$285.5	\$251.5

Human Resources (FTEs)

2008-09	2009-10	2010-11
559	605	420

Departmental Priorities

Name	Type
1. Ensuring successful implementation of the Indian Residential Schools Settlement Agreement.	Ongoing
2. Resolving claims remaining under the National Resolution Framework.	Ongoing
3. Maintaining effective and collaborative partnerships with Aboriginal peoples and their communities.	Ongoing

Program Activity by Strategic Outcome

(\$ millions)	Program Activity	Expected Results	Planned Spending			Contributes to the following priority
			2008–09	2009–10	2010–11	
Strategic Outcome: To advance reconciliation among former students of Indian Residential Schools and the Government of Canada.					Priorities 1, 2, and 3	
Claims Resolution	An improved relationship between Aboriginal people and the Government of Canada through a fair resolution of personal and collective damages from the legacy of the Indian Residential Schools.	294.7	285.5	251.5	Priorities 1, 2, and 3	

Departmental Plans and Priorities

Priority 1: Ensuring successful implementation of the Indian Residential Schools Settlement Agreement.

The IRSSA announced on May 10, 2006, between the Government of Canada and legal counsel for former Indian Residential Schools students, legal counsel for the Churches involved in the running of the schools, the Assembly of First Nations, and other Aboriginal organizations is designed to achieve a fair and lasting resolution of the Indian Residential Schools legacy. As required by class action legislation, the IRSSA was approved by the Courts in nine Canadian jurisdictions on March 21, 2007, and implementation began on September 19, 2007, 30 days after the conclusion of the opt out period.

There are four major activities involved with implementation of the IRSSA: CEP, IAP, Legal Fees, and the Truth and Reconciliation Commission. The Department will continue to process claims and manage the appeals process under the CEP program. For the IAP, the Department will ensure that it is functioning as per the requirements of the IRSSA. Requests for reimbursement of legal fees will also continue to be processed as per the IRSSA. The Department will continue to work towards the establishment of the TRC.

Priority 2: Resolving claims remaining under the National Resolution Framework.

The Department will continue to process claims submitted prior to the approval of the IRSSA on March 21, 2007, via the ADR Process and litigation, which remain under the National Resolution Framework.

The ADR Process, the centrepiece of the National Resolution Framework, was designed to be a fair, safe and timely out-of-court option for resolving claims. The litigation process provided an option for former students who chose not to participate in the ADR Process.

Priority 3: Maintaining effective and collaborative partnerships with Aboriginal peoples and their communities.

Partnerships were strengthened throughout discussions and negotiations between the federal government and representatives of former Indian Residential Schools students, the Churches involved in the running of the schools, the Assembly of First Nations, and other Aboriginal organizations.

The IRSSA speaks to the dedication and commitment of all stakeholders involved in negotiations and leads the way to stronger partnerships with Aboriginal peoples. The Department will continue to work with Aboriginal partners towards a successful implementation of the IRSSA.

The Commemoration program portion of the IRSSA will enhance the well-being of former students, their families and communities; bring closure to the Indian Residential Schools experience; and help former students, their families and communities to move forward. The Advocacy and Public Information program will ensure the Aboriginal community is informed of the benefits available through the IRSSA.

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

Analysis by Program Activity

Strategic Outcome

The Department has one strategic outcome which is to advance reconciliation among former students of Indian Residential Schools and the Government of Canada.

Program Activity: Claims Resolution

The Department has one program activity which is the resolution of claims associated with the operation of the former Indian Residential Schools system. The Department will focus all its efforts on this program activity via the implementation of the IRSSA and the continued operation, where applicable, of the National Resolution Framework.

Implementation of the IRSSA

The IRSSA is a class action settlement that binds all parties upon approval by the Courts. There are no possibilities for derogation and the Courts who direct and support IRSRC as “the administrator” have the authority to make the Government of Canada accountable for any breaches of the IRSSA within its responsibility.

Indian Residential Schools Resolution Canada is the lead department for the administration of programmatic elements within the IRSSA and shares program delivery responsibilities with Health Canada and Service Canada.

The implementation of the IRSSA includes a number of activities as follows: a CEP program; the IAP for resolution of claims; the reimbursement of legal expenses; the establishment of the TRC; the transfer of a \$125 million endowment for a five-year period to the Aboriginal Healing Foundation in accordance with the Funding Agreement included in the IRSSA; a Commemoration Program; and an Advocacy and Public Information program.

Governance and Administration of the Settlement Agreement

The Courts have appointed Crawford Class Action Services to monitor Canada’s compliance with the IRSSA. The Monitor’s role is to work together with officials and has unfettered access to the administration of the IRSSA, as well as reports to the courts.

The Parties to the IRSSA established two administrative committees to implement the Court’s Approval Orders. The National Administration Committee (NAC) is mandated to interpret and ensure proper implementation of the Approval Orders and consider appeals to the CEP. The Regional Administration Committees (RACs) are mandated to deal with day-to-day operational issues relating to implementation of the Approval Orders arising within their individual regions, which do not have national significance.

The IAP Oversight Committee monitors the implementation of the IAP and makes recommendations to the NAC on changes to the IAP as are necessary to ensure its effectiveness over time.

Common Experience Payment

A Common Experience Payment will be paid to every eligible former student living on May 30, 2005, the day the negotiations were initiated, who resided at a recognized Indian Residential School and who submitted a valid application. The IRSSA stipulates that \$1.9 billion be set aside for the direct benefit of former Indian Residential Schools students. Subject to verification, each eligible former student who applies would receive \$10,000 for the first year or part of a year of residence as well as an additional \$3,000 for each subsequent year or part of a year of residence. If there are funds remaining after eligible students have received their entitlement and any personal credits distributed in accordance with the IRSSA, these funds will be provided to Aboriginal education foundations with the intent of supporting learning and development for Aboriginal individuals and communities.

Although the majority of Common Experience Payments will occur in 2007-08, Common Experience Payments will still be in process in 2008-09. In addition, there are two levels of appeal should a CEP Applicant disagree with the number of years they were found eligible. The first step in the process is Reconsideration by Indian Residential Schools Resolution Canada at the request of the Applicant. Should the Applicant still not be satisfied with the outcome of the Reconsideration Process, he or she can then appeal the decision to the NAC.

Independent Assessment Process

For a period of five years that started September 19, 2007, the enhanced dispute resolution process called the Independent Assessment Process is the only mechanism by which a former student may pursue a claim for sexual or serious physical abuse, unless he or she formally opted out of the IRSSA. Compensation through the Independent Assessment Process is to be paid at 100% by the Government of Canada in all cases, following validation of the claim by an independent adjudicator.

Commencing March 19, 2008, Canada must provide sufficient resources to process 2,500 claims per year, if such an inventory exists. In addition, each claimant is to be offered a hearing date within nine months of being admitted to the process by the IAP Secretariat.

The IAP includes a Group IAP stream, whereby groups of claimants can benefit from contribution funding to advance their files in common. The Group IAP process was developed as a result of experience gained during the National Resolution Framework's ADR Process. The Group IAP process will continue to be supported in 2008-09 and beyond.

Legal Fees

The IRSSA establishes a framework for the payment of legal fees for counsel who were members of the National Consortium, the Merchant Law Group or who had a retainer agreement or substantial solicitor-client relationship with eligible CEP recipients. Although the vast majority of legal fees will be paid in 2007-08, it is anticipated that a number of legal fees will remain outstanding into 2008-09.

Truth and Reconciliation Commission

The IRSSA includes the establishment of the TRC to contribute to truth, healing and reconciliation. The objectives of the TRC include the following: to acknowledge Indian Residential Schools experiences; to promote and facilitate truth and reconciliation events at both the national and community levels; to develop as complete a historical record as possible of the Indian Residential School system and legacy; to promote awareness and public education of Canadians about the Indian Residential School system and its impacts; and to support commemoration initiatives of former Indian Residential Schools students and their families.

The Commissioners for the Truth and Reconciliation Commission have yet to be appointed. It is the intent to establish the TRC as a separate government department in 2008-09.

Aboriginal Healing Foundation

The Aboriginal Healing Foundation is an Aboriginal operated, not-for-profit corporation operating independently of Government. Pursuant to the terms of the IRSSA, the Government issued a one-time Contribution of \$25 million and a Grant of \$100 million to the Aboriginal Healing Foundation in order for it to address healing needs of Aboriginal people affected by the legacy of Indian Residential Schools and to establish complementary linkages to other health/social programs and services (federal/provincial/territorial/Aboriginal) over the next five years.

Commemoration

Commemoration is a way of honouring, celebrating and paying tribute to former students by acknowledging their experiences and the broader systemic impacts of the Indian Residential School system. The goals of the Commemoration program are to enhance the well-being of former students, their families and communities, and help former students, their families and communities to move forward. In addition, it is expected that commemoration projects will foster enhanced community interaction, cultural pride and self-esteem, sense of acceptance, and understanding of others. Indian Residential Schools Resolution Canada will administer agreements, recommended by the IRS Survivor Advisory Committee to the TRC.

Advocacy and Public Information Program

The Advocacy and Public Information program is now entering its final year and it supports eligible Aboriginal Organizations or other recipients for the purpose of providing advocacy and public education on a diverse range of issues related to the IRSSA issues, policies and programs, allowing the Government to respond to the widest source of information possible to (1) improve the quality of departmental decisions, (2) identify where changes may be necessary to enhance service delivery, and (3) ensure the Aboriginal community is informed of the benefits available through the IRSSA.

Indian Residential Schools Resolution Canada will receive proposals, conduct reviews, and recommend projects for financial support. Proposals will have to demonstrate a coordinated approach with partner organizations to avoid unnecessary overlap and duplication in terms of clientele and program implementation. Furthermore, each proposal submitted by an organization will clearly outline existing accountability and management processes, and demonstrate a human resource and administrative capacity to manage and deliver the proposed activities.

Resolution Health Support Program

Although not operated by Indian Residential Schools Resolution Canada, the Resolution Health Support Program delivered by Health Canada will continue to provide a variety of flexible “frontline” safety supports and coordination services directly to former students involved in the CEP process, the IAP, the ADR Process, the litigation process, and the TRC. Services include access to mental health counselling sessions, on-site emotional health supports by trained Aboriginal health providers, and transportation costs to traditional healers, to ensure that former students and family members have access to appropriate levels of counselling and mental health supports.

As part of its support to this program, Indian Residential Schools Resolution Canada funds a 24-hour crisis support line that is operated by trained crisis support workers.

Continued Operation of the National Resolution Framework

The National Resolution Framework has been the central vehicle to achieve the Department’s program activity and planned results of resolution of Indian Residential Schools claims since 2003. Although the primary means for resolving physical and sexual abuse claims will be the Independent Assessment Process, a number of claims will continue to be processed via the National Resolution Framework and its two resolution streams – the ADR Process and Litigation.

Alternative Dispute Resolution

The ADR Process is a voluntary and confidential process designed to be a timely, fair and safe way for claimants to resolve validated physical and sexual abuse claims, including wrongful confinement claims, outside of the litigation process. The ADR Process involves private hearings before an independent adjudicator. The Adjudicator, as an independent decision-maker, is responsible for setting compensation awards within an established compensation framework. The claimant has the option to accept the award, appeal the decision or pursue litigation.

The Department no longer accepts ADR submissions. However, ADR applications received on or before March 21, 2007, for which a hearing had not been set as of the Implementation Date are dealt with in the following way:

- (1) Any application which alleged only physical abuse continues to be processed under the ADR Model unless the claimant elects to transfer to the IAP; or,
- (2) Any application which included an allegation of sexual abuse was transferred to the IAP unless the claimant, within 60 days of receiving notice of the proposed transfer, elected in writing to remain in the ADR Process.

As at January 31, 2008, 731 claimants had expressed their choice to have their claims heard through the ADR Process. It is expected that these cases will be dealt with by the end of 2008-09.

Litigation

Not all claimants chose to resolve their abuse claims through the ADR Process. The Department of Justice represents the Government of Canada in Indian Residential Schools claims and continues to work to resolve claims prior to entering the trial stage. Counsel for claimants in litigation who are elderly or ill may approach the Department of Justice to seek expedition in the resolution of their claims out of court. Resolution of litigation claims is a more time consuming process since the Government has little control over the pace of litigation and is largely dependent on the rules of the court and court schedules.

Financial Resources (\$ millions)

2008–09	2009–10	2010–11
\$294.7	\$285.5	\$251.5

Human Resources (FTEs)

2008–09	2009–10	2010–11
559	605	420

It is expected that all initiatives will improve the relationship between Aboriginal peoples and the Government of Canada through a fair resolution of personal and collective damages from the legacy of the Indian Residential Schools.

It is intended to measure improvement via proxy measures as follows:

- a) Level of satisfaction by claimants with the adjudication process;
- b) Participation of the Canadian public, former students, government officials, the Churches and other organizations including media coverage and number of events in Truth and Reconciliation activities.

The Department will resolve claims through the IAP, the ADR Process, and litigation. The Department forecasts the settlement of 2,500 claims via the IAP, 731 via the ADR Process, and 4 via litigation.

The Department's program activity aligns with the Government of Canada's social outcome: Healthy Canadians by contributing to improved health of Aboriginal peoples and to safe, stable, and sustainable Aboriginal communities.

SECTION III—SUPPLEMENTARY INFORMATION

Table 1: Departmental links to the Government of Canada Outcomes

Strategic Outcome: To advance reconciliation among former students of Indian Residential Schools and the Government of Canada.					
Program Activity	Expected Results	Planned Spending (\$ millions)			Alignment to Government of Canada Outcome Area
		2008–09	2009–10	2010–11	
Claims Resolution	An improved relationship between Aboriginal people and the Government of Canada through a fair resolution of personal and collective damages from the legacy of the Indian Residential Schools.	294.7	285.5	251.5	Healthy Canadians

This Program Activity contributes to the achievement of the Government of Canada’s social outcome: Healthy Canadians by contributing to improved health of Aboriginal peoples and to safe, stable, and sustainable Aboriginal communities.

Electronic Tables

The following electronic tables can be found on the Treasury Board Secretariat’s website at http://www.tbs-sct.gc.ca/est-pre/20082009/p3a_e.asp.

- Details on Transfer Payments Programs
- Evaluations
- Green Procurement
- Horizontal Initiatives
- Internal Audits
- Services Received Without Charge
- Summary of Capital Spending by Program Activity