

**Independent Assessment Process Oversight Committee**  
**Meeting of September 11 and 12, 2017**  
**Brantford, Ontario**  
**APPROVED MINUTES OF THE OVERSIGHT COMMITTEE MEETING**

**Members present**

Mayo Moran	Chair
Les Carpenter	Inuit representative
Juliet Donnici	Government of Canada representative
Mitch Holash	Church representative (Catholic entities)
David Iverson	Church representative (Protestant Churches)
David Paterson	Claimant counsel representative (National Consortium)
Tara Shannon	Government of Canada representative
Diane Soroka	Claimant counsel representative (Independent Counsel)

**Also present**

Brian Gover	Court Counsel (Via Teleconference - for item 11.e only)
Daniel Shapiro	Chief Adjudicator
Shelley Trevethan	Executive Director, IRSAS
Russell Vallee	Recorder, IRSAS

**Absent**

Paul Favel	Assembly of First Nations representative
------------	--

**1. Welcome**

Chair Mayo Moran welcomed everyone to the meeting, discussed the interactive session that committee members will be attending at the Mohawk Institute on the following morning and advised that Paul Favel had sent his regrets.

**2. Approval of Minutes**

Canada circulated their written comments to the previous meeting minutes. Before reviewing Canada's suggested changes to the minutes, members discussed the level of detail to be provided in the minutes. Depending on the topic, some items will simply require a record of the discussion or decision; others will require a summary of the issues raised in discussion rather than a summary of the discussion itself; some will require a full record of reason for a decision—such as matters requiring consensus.

After reviewing the draft minutes and Canada's suggested revisions, it was agreed that Mayo Moran and Russ Vallee would work on revisions to the outstanding minutes.

Members asked to have the minutes circulated several weeks in advance of the meeting packages.

### 3. Key Performance Indicators

#### Adjudication Secretariat Statistics

Shelley Trevethan noted that at the last meeting, Committee members had approved the draft Adjudication Secretariat Statistics but with minor revisions which will be provided going forward.

#### Key Performance Indicators

Shelley Trevethan provided performance indicators as of August 8, 2017:

- 38,099 applications received
- 33,807 have been admitted
- 7 claims remain in the admissions stage, down from 24 in May. Of the 7 claims:
  - 2 are waiting a decision on admission; and,
  - 5 are either lost or deceased claimants without an admit decision
- 97% of all claims are resolved to date
- This fiscal year there have been 34 Negotiated Settlements.
  - There are currently 16 Negotiated Settlements proceeding
  - An additional 4 claims are being considered by Canada for NSP
  - Negotiated Settlements are still occurring. Some have been post-hearing. Canada will continue to do Negotiated Settlements where possible
- 986 claims are in progress. Of these:
  - 551 claims are unheard; and,
  - 435 claims are waiting on a decision after their hearing
- 49 hearings held between April 1, 2017, to August 8, 2017. Of the 551 unheard claims, it is estimated that 67 claims will make it to a hearing and 484 will be resolved without a hearing and 47 of the 67 claims will be heard before March 31, 2018, with the rest to be heard in 2018-19. Therefore all hearings could be completed by March 31, 2019 with decisions in 2020-21. The reason for the increase in hearing projections is a result of the success of the targeted approaches
- 367 or 37.2% of the claims in progress are Self-represented claimants, down from 41% in May. Of the 367 claims:
  - 6 are active pre-hearing
  - 36 are post-hearing; and,
  - 89% are non-active (in targeted approaches)
- Awards/NSPs to date (excluding legal fees & disbursements): \$2.59B

It was noted that at the June meeting members asked for information on compensation by gender. Since implementation, 88% of female claimants received compensation; 89% for male claimants. The average compensation awarded by an adjudicator on claims for male claimants was \$99K, while the average compensation awarded to female claimants was \$87K. The overall average was \$93K. More male claimants received compensation at the SL5 and SL4 level than female claimants. However, this information is not conclusive since not all decisions with proven abuse levels are captured in the Secretariat's database.

### 4. Executive Director's report

#### Targeted Approaches

Shelley Trevethan provided an update on the Targeted Approaches Claim Resolution document. Key performance indicators include:

- 8 jurisdictional reviews, down from 11 since May
- 39 deceased claimants, up from 28

- 136 estate claims, up from 95
- 1 non-responsive claimant; however this claim has since been addressed
- 14 lost-claimants; up from 13
- Incomplete File Resolution:
  - 39 in Step One, down from 64,
  - 117 in progress in Step Two, down from 140,
  - 152 with a Resolution Direction pending, down from 225
  - 352 dismissed, up from 325
  - 96 referred back to targeted approaches
  - 2 reconsiderations pending; to date 4 have been admitted but 1 failed to meet the conditions imposed by the Chief Adjudicator

An examination on the targeted approaches was completed between October 2016 & June 2017. Over 1,000 claims were reviewed and of these:

- 44% were resolved, mostly with a decision by an adjudicator
- 420 moved into different targeted approaches; and,
- Only 8 claims have moved between targeted approaches and returned to the same targeted approach.

This is evidence that the process is working.

#### Post-Hearing Activities

Shelley Trevethan noted that there are currently 435 claims at the post-hearing stage, down from 536 in May. Of these:

- 156 are active post-hearing claims, down from 179
- 122 are pending final submissions, down from 130
- 35 are pending decisions, down from 84
- 122 are on hold, down from 143. Of these:
  - 31 are awaiting estate documents
  - 91 are SOS admissions, down from 108

#### Claims On Hold

Shelley noted that, as of Aug 8<sup>th</sup>, there are 279 claims on hold, down from 386 in May. Of these:

- 127 are IFR awaiting decision, down from 205
- 91 adjourned pending SOS admissions, down from 108
- 51 are deceased claimants, down from 55
- 6 are on hold for other reasons, down from 12
- 3 are INAC requested pending INAC administrator, no change

#### Indicators of success

Shelley presented information on the combined successes over the last five years.

Members commented positively on how much the Secretariat has achieved and innovated since 2013.

Members suggested that it would be helpful to look critically at this reconciliation process and how it differs from those processes before and since, within Canada and internationally.

#### IAP Final Report

Shelley presented on the current status of the IAP Report. To date, the Secretariat has conducted 219 claimant interviews and 23 focus groups in Alberta, BC, Manitoba, Ontario, Quebec, Saskatchewan, NWT and Nova Scotia. 24 legal counsel for claimants have completed

questionnaires and more than 40 key stakeholder interviews have taken place with adjudicators, staff, RHSWs, Canada representatives, claimant counsel, Indigenous community leaders, cultural support workers, Elders, TRC, representatives of the Court, Interpreters, and individuals involved in developing the IRSSA.

Since the last report to Oversight, there have been a few more self-represented claimant interviews completed but overall not much has changed.

## **5. Update on Administrative Split**

Tara Shannon provided an update on the progress of Canada's Administrative Split project. To date, there have been 107 offers, of which 85 have been accepted. 39 Negotiated Settlement Process interviews have been scheduled. The current settlements total approximately \$7.01M. No withdrawn claims have been included yet but Canada continues to review them—there have been some conversations with Claimant's counsel on withdrawn claims. Canada will report further on withdrawn claims when able to do so.

One member noted that there seemed to be a great deal of confusion on the Blott claims with the Transition Coordinator, particularly on the issue of whether they are subject to the transition fund. Tara Shannon responded that she will look into it and will make an effort to find out what the Transition Coordinator's approach on these files is, as they are post-hearing. If there are problems with payments, Canada will look into that.

## **6. Update on Estates Claims**

Tara Shannon provided an update on Canada's progress on estate claims:

- 107 INAC Jurisdiction-estate representative to be appointed; of these:
  - 31 in progress
  - 50 resolved
- 33 jurisdiction to be determined; of these, 11 are in progress
- Priority is the 42 in progress.

86% of files in the INAC jurisdiction have a third-party appointed administrator. Families seemed to be happy that legal counsel are involved. It was agreed that the Secretariat should keep the ineligible estate claims on hold pending the appointment of an administrator.

## **7. Future Oversight Committee Meetings**

Russell Vallee will confirm with Mayo Moran on the meeting and events to take place in Nanaimo, BC.

Some members noted that the Technical Subcommittee originally scheduled for the morning of September 11, 2017 was cancelled on short notice, creating issues for members of the subcommittee who had travel booked for the previous day in order to attend the morning meeting.