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Nova Scotia Home for Colored Children Restorative Inquiry: Council of Parties Third Public Report

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Nova Scotia Home for Colored Children

Restorative Inquiry



Council of Parties
Third Public Report
Fall 2018

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About this Report

This public report is issued by the Council of Parties of the Nova Scotia Home for Colored Children Restorative Inquiry (RI). It is one of many public reporting opportunities that have been part of the work of the RI during its mandate. The Council of Parties is the collaborative commission that leads the Restorative Inquiry, appointed as “commissioners” under the Public Inquiries Act. The council is mandated to include representation from the groups most affected by and involved in the work of the Restorative Inquiry, including former residents, the Home for Colored Children, the African Nova Scotian community, and government.

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1. INTRODUCTION AND CONTEXT

This report is the third update on the work of the Nova Scotia Home for Colored Children Restorative Inquiry (RI) produced by the Council of Parties, the Commissioners who lead the RI.

The Restorative Inquiry has a mandate to examine the experiences of former residents and others related to the Nova Scotia Home for Colored Children (the Home), and the context and circumstances surrounding those experiences, as part of the province's history and legacy of systemic and institutionalized racism. The mandate calls us to examine what the Home experience reveals about how systemic racism affects African Nova Scotians both historically and at present — particularly within the social systems and relationships that are meant to serve children, families, and communities.

The previous interim report, issued January 2018, identified three central issues through which the RI has pursued its mandate. These issues emerged from the initial part of the learning and understanding phase of the RI's work:

- Responses to institutionalized abuse
- Experiences of children and youth in care of the Province
- Historic and ongoing impacts of systemic racism on African Nova Scotians



The central issues are rooted in what Council heard and learned from working together with Inquiry participants to understand more deeply the experiences of former residents, their families, communities, and the systems and social structures that surround them.

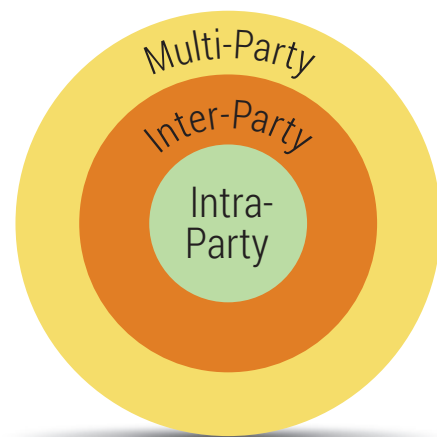
This report shares the RI's work since the last public report to deepen learning and understanding and to begin to plan and take action on the central issues. This is the last interim report prior to the completion of the RI mandate in March 2019. The RI will publish a final report in the spring following the completion of its mandate.

2. OUTLINING THE PROCESS: LEARNING AND UNDERSTANDING

In the first part of the learning and understanding phase, outlined in the Winter 2018 report, Restorative Inquiry council and staff met with a range of parties including former residents; representatives from government and public agencies; community members and organizations with historical connections to the Home, and those with insights into the context and circumstances in which it operated and those with current connections to the RI's central issues.

The second part of this work has involved further connection with those individuals, groups, and parties, including bringing them together in targeted ways to deepen exploration and understanding of the central issues and their relationship to each other.

The RI uses processes grounded in restorative principles. Much of the work has taken place in restorative circles where participants are brought together around a series of focused questions for discussion and reflection to support individual and collective consideration of responsibilities and next steps. Through such processes and other meetings, the RI has gathered information. This process differs from the traditional format of public inquiries that take testimony from individuals.



The RI brings parties together in the process to ensure that important information can be heard and considered by others central to the work ahead. These processes also support parties to work together to understand and learn from this knowledge from the past to create a better future. Not all of the Restorative Inquiry's work takes place in circles, but all of its work draws on restorative and collaborative processes in support of its mandate.

The second part of the learning and understanding phase has built upon the work done earlier within individual groups and organizations to bring parties from different backgrounds, sectors, and areas of focus together to work collaboratively and seek broader and deeper understanding of the central issues.

This phase of the work has engaged different individuals, groups, and organizations in multiple settings including the following:

- Professionals with a connection to the central issue of responding to institutionalized abuse, including social workers, lawyers, police, public administrators, and government leaders.
- Experts on child welfare, dispute resolution and complaint processes, privacy, and government accountability.
- Community organizations and agencies connected to or frequently in contact with the care system. For example: family resource centres, youth agencies, and mental health services.
- Youth (aged 16–25) with current or recent experience in the care system.
- Former residents of the Nova Scotia Home for Colored Children.
- Policy-makers, program leaders, and front-line service delivery staff from various agencies and government departments related to the care system. This includes representatives from Community Services, Justice, Halifax Police, RCMP, Health and Wellness, Nova Scotia Health Authority, IWK, Education and Early Childhood Development, and Labour and Advanced Education.
- Community members and organizations closely connected to the Home, including members of the Akoma board (formerly the NSHCC board), the African United Baptist Association, and other connected community members.

Participants took part in multiple circles, including sessions focused on responses to institutionalized abuse; coming into the care system; experience during care; and transitioning out of the care system. Sessions examined the role and impact of systemic racism in each of the central areas of focus.



3. CENTRAL ISSUES: A DEEPER UNDERSTANDING

Responses to Institutionalized Abuse

Insights & lessons from NSHCC experience of institutional child abuse

Experiences of Children and Youth in Care

Experience with care system (particularly for ANS children & youth)

Impacts of Systemic Racism on African Nova Scotians

Broader patterns and experience of systemic racism (ANS) in Nova Scotia

The Restorative Inquiry is guided by relational principles that inform its analysis and response to the central issues. This approach reveals the overlapping and interlinking nature of the three central issues – responses to institutionalized abuse, experiences of children and youth in care, and impacts of systemic racism on African Nova Scotians.

The story of the Home for Colored Children is both about the general failure of systems and institutions to meet human needs, and about the specific impacts of such failures in the context of systemic racism. As common themes have emerged in the initial phase of learning and understanding, the Council of Parties has approached each central issue with a general concern to address harms and failures resulting from siloed or fragmented systems and a narrow, reductive view of people and their needs. This requires clear attention to the layered and complex nature of the issues and the responses needed.

The learning and understanding phase through engagement processes with parties and research has supported the attention and analysis required to undertake planning and action. The RI will share the learning and understanding achieved through this process more fully in its final report. The insights from this work are foundational to the planning and action work underway. Particularly significant for this final stage of work is the understanding of systemic racism that informs and underpins the RI's work on the central issues during the planning and action phase. This interim report offers an overview of the key insights with respect to understanding systemic racism as revealed through reflection and analysis of the central issues so far.

Silos and Fragmentation

The story of the Home illustrates how a system-centred focus drives the systems involved in care – including child welfare, justice, education, and health – to operate in isolation from one another, contributing to failures to appreciate and meet the full range of human needs. The operating logic of a system-centered approach tends to divide up human needs into separate issues according to the jurisdiction or responsibilities of a particular program, department, or system. Laws, policies, and practices are then developed based on those divisions and the interests and objectives of the system. This obscures the impact and outcomes experienced by individuals, families, and communities.

This fragmented and siloed approach also makes it difficult for those systems to respond in a timely and sufficient manner in cases of institutionalized failure including institutional abuse. As the history of the Home reveals, the impacts of fragmentation and institutional failures are amplified and disproportionate for marginalized people and communities. Systems often operate out of deeply embedded cultures of systemic racism.

Across the many sessions of the Inquiry, participants acknowledged that social systems failed to provide the support and care that children and young people in the Home required and deserved. This included the failure to properly protect former residents and respond to experiences of abuse and neglect. They recognized that current systems and structures remain ill-equipped to fully respond to people's needs. Participants from across departments and public institutions



noted that being responsible solely for their area of work creates barriers and disincentives to building connections with other departments or agencies, and with community. Participants spoke of how the tendency to take a system-oriented approach has historically had a negative impact on the people those systems should be serving — particularly those who are vulnerable and marginalized.

We heard that silos also influence and shape responses to institutional failures and abuses. A system-centered approach conditions those with decision-making responsibility to react, as opposed to responding and to focus on the issues through the lens of system perspectives, proprieties, or risks. Decisions and responses turn on legal understandings of risk and liability. As blame is identified and ascribed to systems, those systems defend their role and their actions. Protection and defense of systems often shifts the focus to blame individual actors or faulty processes — looking for the “bad apple” — and in the process limit a wider examination of the circumstances, conditions, and contexts within the systems and institutions that allow abuse to occur and continue. This reaction stands in contrast to the broad problem-solving approach required to respond to complex human problems. It is this broader problem-solving approach that has characterized the work of the Restorative Inquiry.

In addition to fragmented systems, disconnects within the African Nova Scotian community/community structures and in the relationship between community and government are important elements in the story of the Home. The RI has also heard from community organizations and members about the impact of fragmentation and divisions within and across communities on the ability to support care and respond to abuse. The divisions and fragmentation within community have been shaped and influenced by the context and environment of systemic racism in Nova Scotia. We have heard that this context of racism heightened the perception and reality of risk to community in the face of blame for harms and failures, including abuse. This shaped the community’s reaction to abuse claims, and the response was similar to that of systems seeking to protect and defend against risk and liability. The reaction in the case of the Home silenced and isolated those affected, increased their vulnerability, and amplified the impacts of systemic racism.

In order to create a safe space and process for community to participate – to reflect and respond to the abuses and harms experienced in the Home – the Inquiry takes a restorative approach that is not concerned with blame but focused on understanding responsibilities with a view to securing just relations in the future.

The Council of Parties has been working through its process to understand and address the ways in which relationships within community and government and between community and government are affected by and contribute to systemic racism and its impacts. It is essential to the work of the RI that both community and government are engaged in order to understand their different roles and meet their responsibilities.

It is impossible to understand the story of the Home without considering the complex and often difficult relationships between Nova Scotia’s governing structures and African Nova Scotian communities, as well as the power dynamics inherent in those relationships. The founding of the Home evolved within these dynamics.

In 1908, James R. Johnston first proposed to the African United Baptist Association the creation of “a preparatory agricultural and industrial institution” similar to the Tuskegee Institute in the United States. Public education was segregated in Nova Scotia, and Johnston – the first Black graduate of Dalhousie University – wanted to provide more opportunities for people of African descent. By 1915, a month after Johnston’s death, the original vision of the Home had shifted. A bill to incorporate the Nova Scotia Home for Colored Children passed in the Legislature, creating an institution with a primary focus on housing Black children in need of care. The Home was formally established as a children’s aid society although it never operated as one. It remained an independent institution operating in relation to the child welfare system but not as a part of it. The Home fulfilled a need within the community to support children and families in need of care. At the time, religion played a significant role in child welfare institutions in Nova Scotia. At the time of the Home’s creation, neither Protestant nor Catholic orphanages openly or readily accepted children of African descent.

The vision and creation of the Home was clearly shaped by and responsive to the racist reality of Nova Scotia at the time. Racism was not, however, the full story informing many efforts aimed at providing care and protection for vulnerable children in the 19th century and beyond. As Veronica Strong-Boag, a leading Canadian historian on women and children, has helped the Inquiry understand through her research, racism underlying such initiatives was accompanied by a long-standing humanitarian impulse, often linked to religious faith and progressive movements. While never escaping racism because they relied upon the structures of power within a deeply racialized society, such initiatives emphasized common humanity and social justice and challenged overt racial hierarchies. Such principles fostered optimism and support for efforts to rescue and protect children by providing care with the intention of recognizing the potential of racially disadvantaged populations.

These humanitarian intentions sometimes served as a basis for uniting white and black reformers in a shared enterprise. This can be seen in the founding of the Home. The resonance of the enterprise of the Home with both Christian humanitarian values of charity and the rescue and protection of children forged a common cause between white supporters and leaders from the African Nova Scotian community and in particular the African United Baptist Association (AUBA). It is clear, however, that this alliance was never an equal one, because it was significantly shaped by the structural power differences reflective of systemic racism in the province. The Nova Scotia Home for Colored Children as a child rescue initiative followed in the footsteps of similar American initiatives, such as the Colored Orphan Asylum in New York City (founded in 1836) and the Home for Colored Children in Pittsburgh (founded in 1880).

These institutions did not disrupt or even radically challenge segregation but insisted that African American children were worthy of “pleasant, homelike refuge” and “deserved an education as well as industrial training,” in other words the same standards of care as poor white youngsters.¹ The Nova Scotia Home for Colored Children was another expression of such principles.

¹Jessie B. Ramey, *Child Care in Black and White: Working Parents and the History of Orphanages* (Champaign: University of Illinois Press, 2012), 162 and 170.

The balance between racism (or other prejudices) and humanitarianism was never predictable. Individuals and institutions involved in child welfare regularly revealed the inspiration of both. The complex interplay of these factors is evident in the founding, governance, and operation of the Nova Scotia Home for Colored Children. For example, the Home was envisioned and advocated for by leading figures within the African Nova Scotian community, and for much of its history residents and staff were primarily African Nova Scotian. However, when the Home officially opened in 1921, seven of the initial ten board trustees were white men, including several with ties to the provincial government. These dynamics continued for several decades. Indeed, no African Nova Scotian held the position of NSHCC president until 1974.

The Home's history, governance, and operation are complex subjects that will be more fully explored in the Restorative Inquiry final report. The brief snapshot provided here, though, illustrates how social systems, power structures, and relationships within government and community – with “good intentions” or otherwise – come to bear upon the self-determination of African Nova Scotian and vulnerable individuals in ways that failed to meet their needs for care and resulted in harm and abuse.

As indicated in the formal apology made by the Province to former Home residents and the African Nova Scotian community in October 2014, systemic racism is a fundamental factor in this story of the Home. Through the Inquiry processes, we have examined and continue to examine racism and the complex ways in which it is embedded within and across the various institutions and systems that form the overall system of care.

The siloed structure of government plays a key role in maintaining and perpetuating systemic racism by rendering it by times invisible or revealing itself only partially. One of the enduring consequences of working in fragmented ways is that the structures of institutions and systems replicate the conditions in which systemic racism thrives and perpetuates, while at the same time making it difficult to challenge and address. It cannot be fully grasped or addressed simply by responding to “isolated incidents” or attending to the individual ways it shows itself in particular systems or regarding particular issues. It is greater than the sum of its various expressions.

This is true in terms of how systemic racism shaped the history and experience of the Home. Indeed, some have questioned or expressed confusion at the notion that the experience of former residents within the Home is reflective of systemic racism owing to the fact that the staff and management of the Home were also African Nova Scotian. This question reveals the failure to appreciate the systemic nature of racism and the ways in which it works to structure relations and interactions at all levels.

Seeing the Home as an example of systemic racism requires one to look beyond particular actions, incidents, or interactions to make connections with other factors, broad context, and related circumstances. For example, one cannot understand the abuse former residents experienced and the nature and depth of the harm or complex causes rooted in systemic racism without attention to other factors. This includes the fact that for much of the Home's history, formal and informal practices of segregation across the province limited education and employment opportunities for African Nova Scotians, which left families more vulnerable to poverty and increased attention from the care system. One impact of this poverty was that many female staff at the Home in the early period took jobs to support their families, placing them in a vulnerable position were they to lose their income by reporting issues. The inquiry has also heard that some staff worked at the Home in exchange for shelter for their children, creating similar vulnerabilities.

This economic inequality also generated conditions that led to children residing in the Home. Many African Nova Scotians and other marginalized peoples have historically faced and continue to face barriers to accessing services designed to support vulnerable families. This led to children residing in the Home placed there both through the child welfare system as wards of the state and by family for respite or longer-term care. The RI's review of historical records of the Home reveal that many African Nova Scotian families struggling to meet the demands and challenges of childcare in the face of economic inequalities relied on the Home. The connection to community positioned the Home as a place of safety, support, and care for families who needed help. In this way, the influence and impact of systemic racism structured and shaped why children came to live in the Home, whether placed voluntarily or by state authorities.

In 19th- and 20th-century Canada, the middle class of European origin and Christian faith was widely accepted as best equipped to produce offspring who guaranteed the future of the nation. Everyone was judged by that ideal. Ultimately, a single standard for family life and childcare became the norm that all were measured against. This norm was the idealized autonomous middle-class white family with stay-at-home wives and breadwinning husbands rearing youngsters who required and deserved nearly full-time care in their own homes. Systemic and structural disadvantage and alternate cultural forms of taking care of children and ensuring families' well-being and successful childhoods were likely to be unnoticed and stigmatized. Systemic racism thus influenced which families came under scrutiny from child protection agencies and which children were taken into care. This ideal was normalized to the extent that it did not operate at the level of explicit prejudices of individual state agents, but was implicit in the very notions of childhood, family, and care, and was embedded in the system-based guidelines, protocols, and thresholds for appropriate standards of care.

This picture of the Home as an example of systemic racism requires a broad lens on the problems, viewing them as complex and inter-related. It is a picture that is obscured or lost when fragmented through the siloed structures of departments, jurisdictions, or issues. The Restorative Inquiry has worked with partners to examine issues and undertake a relational analysis in order to understand in this holistic way as we have identified priorities for planning and action.



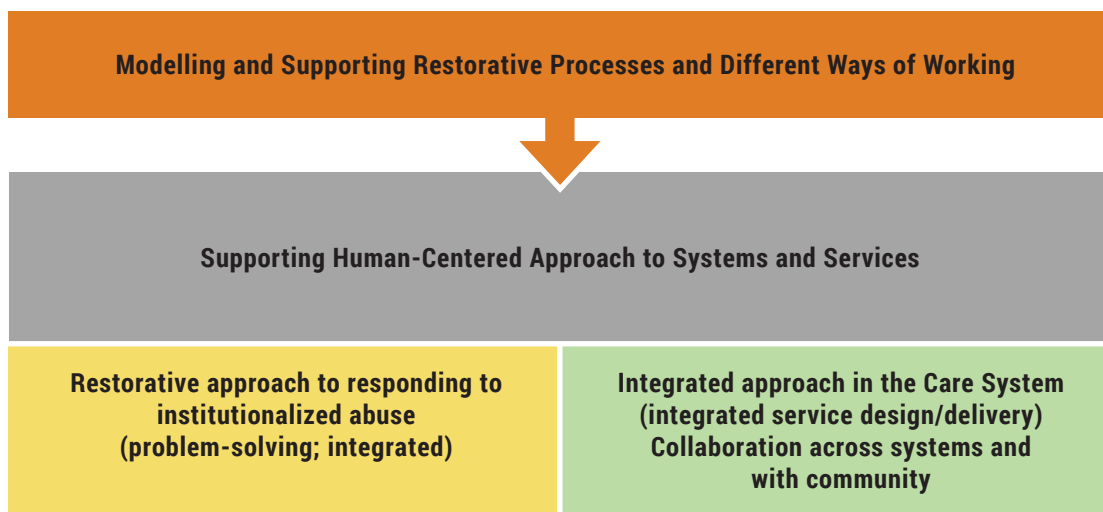
4. PLANNING AND ACTION

The Restorative Inquiry mandate and terms of reference outlines four key goals for the process:

- a) Build just and respectful relationships
- b) Develop knowledge and understanding
- c) Establish shared understanding and seek just social change
- d) Develop plans and take action

One way the Restorative Inquiry differs significantly from a traditional public inquiry model is its commitment to begin planning and action within the mandate of the Inquiry. Traditional inquiries typically conclude with a report outlining recommended actions for others to undertake in the future. Throughout the process, the RI has heard from participants in government and community that the lessons from the Home continue to be relevant as current systems and structures remain siloed and fragmented and reflect systemic racism in ways that pose challenges to providing the sort of care children and families need. The RI has worked with relevant parties in community and government throughout the process to identify issues that require action, and to begin planning and taking action to respond to these challenges in ways that will make a difference now and in the future. Some of this work has begun, and some will commence over the final few months of the RI's mandate. Other work will continue as partners who have come together through the inquiry process sustain their work together on identified areas after the formal end of the Restorative Inquiry mandate.

This section gives a brief overview of themes and areas of response that will be the focus of the planning and action phase. Note that this work is ongoing and developing as Council continues to work with parties in the final phase of the process. The final report following the completion of its mandated work in March 2019 will contain a more thorough account of actions completed, underway, and/or committed to in the future.



MODELLING AND SUPPORTING RESTORATIVE PROCESSES AND DIFFERENT WAYS OF WORKING: The collaborative, restorative approach of the Restorative Inquiry is in itself a model for problem-solving that government, other agencies, and communities can use in the future to learn and act together across sectors, silos, and other dividing lines. This type of process can also be used in research, information-gathering, and knowledge sharing.

SUPPORTING HUMAN-CENTRED APPROACHES TO SYSTEMS AND SERVICES: The RI is working with parties to develop more responsive, proactive, and preventative models to human services.

DEVELOPING INTEGRATIVE APPROACHES WITHIN THE CARE SYSTEM: One key area of a more human-centred approach is adapting a more integrated approach within the care system that allows for better collaboration between agencies and with community partners, members, and organizations.

DEVELOPING A RESTORATIVE APPROACH TO RESPONDING TO INSTITUTIONAL ABUSE: The RI is working with parties to develop capacity to respond restoratively to institutional abuse in the future.

In doing this work, the RI takes the view that a critical part of a human-centred approach is ensuring that those most affected are supported to play a central role in the care system. This requires amplifying the voice of children, youth, and families connected to the care system so that they are empowered to participate and supported to have their needs understood and met.

The RI's work during this planning and action phase in all of these areas is particularly focused on understanding and addressing systemic racism in the care system. Work continues to deepen our collective understanding and to address both historic and ongoing impacts of systemic racism on African Nova Scotians, both within the dynamics of the care system and in how systems respond to cases of abuse.

As illustrated in the graphic above, the overarching focus of planning and action is to take more human-centred approaches to systemic issues that have often been addressed in a siloed and fragmented way. Under this banner, the RI is pursuing work with parties in government and community toward greater integration and collaboration in the care system. This will also allow for a more restorative and holistic response to institutional failures.

To make progress on these fronts, better access to knowledge across systems, services, government, and community is critical. Information cannot be retained in silos. Building and sustaining trusting relationships grounded in knowledge and understanding is also central to all of this work and a fundamental consideration in the way in which action is planned and implemented. Integrating first voices of those individuals and communities most affected by the care system is foundational to human-centred systems and services because of the relational nature of people and their needs.

The RI is actively engaged in bringing key parties together and facilitating the work of planning and action. The parties involved have made this work a priority for the coming months.

5. CONCLUSION AND NEXT STEPS

The Restorative Inquiry officially concludes its mandate in March 2019. Over the course of the past three years, Council has worked to share information and provide update reports both to affected parties and to the public.

Prior to the end of the mandate and in advance of the final written report, the RI will be sharing the process, outcomes, and ongoing work with partners, parties most affected, and the broader public in a variety of ways. One of the key goals of this process is that partners and others will continue to take a restorative approach in support of their collective work to address complex issues beyond the end of the Inquiry. The RI is also working to equip community members to take a restorative approach to difficult conversations — both conversations connected to the history and legacy of the Home, and other issues and concerns within communities.

The final Restorative Inquiry public report will detail the work on planning and action, including ongoing work, commitments made or underway, and recommendations that have emerged from collaborative work with parties throughout the process. It will share more in-depth reflections on the central issues of the RI, as well as the story of the Home as it helps illuminate the central issues and mandate of the Restorative Inquiry. In keeping with the RI's focus and mandate, the final report will not be focused on an individual accounting of blame, but an examination of what we have come to learn and understand about the past in order to make a different way forward. This is in keeping with former residents' vision of a Journey to Light: acknowledging and addressing the past to create a better future.



