



CHAPTER ONE



A Different Way, A Different Report

Introduction

This is the Final Report of the Nova Scotia Home for Colored Children Restorative Inquiry. The tag line for the Inquiry is: *A Different Way Forward*. This report reflects that different way, in terms of both its content and its structure, and should be read and used in that light. This Chapter provides an overview to the Restorative Inquiry and, importantly, to this Report.

Background: A Restorative Inquiry for the Nova Scotia Home for Colored Children

The Nova Scotia Home for Colored Children Restorative Inquiry was established following a 17-year journey for justice by former residents of the Nova Scotia Home for Colored Children (NSHCC, or the Home). It was established under the authority of the *Public Inquiries Act* following a collaborative design process involving former residents, Government, and community members. This public inquiry was the first of its kind in Canada (and, it appears, internationally) to take a restorative approach. The Inquiry was a part of the Government of Nova Scotia's commitment to respond to the institutional abuse and other failures of care experienced by former residents of the Nova Scotia Home for Colored Children.

In establishing the Restorative Inquiry, the Government of Nova Scotia recognized that the history, experience, and legacy of the Home reflects the systemic and institutionalized racism that has shaped Nova Scotia's history and continues to impact the lives and experiences of African Nova Scotians to this day.

The Restorative Inquiry was established following an official apology from the Government of Nova Scotia for the harms related to the Home and the systemic racism that lay at its roots.



Official Apology, October 2014



Nova Scotia

ON BEHALF OF THE GOVERNMENT OF NOVA SCOTIA, I apologize to those who suffered abuse and neglect at the Nova Scotia Home for Colored Children.

It is one of the great tragedies in our province's history that your cries for help were greeted with silence for so long.

Some of you have said you felt invisible. You are invisible no longer. We hear your voices and we grieve for your pain. We are sorry.

Some of you faced horrific abuse that no child should ever experience. You deserved a better standard of care. For the trauma and neglect you endured, and their lingering effects on you and your loved ones, we are truly sorry.

We thank you for showing such courage and perseverance in telling your stories. Your strength, your resilience, and your desire for healing and reconciliation should be an inspiration to all Nova Scotians.

To the African Nova Scotian community: we are sorry. The struggle of the Home is only one chapter in a history of systemic racism and inequality that has scarred our province for generations.

African Nova Scotians are a founding culture in our province—a resourceful people of strength. The Home for Colored Children was birthed in the community as a way to meet a need that was not being met.

We must acknowledge that in many ways, and for many years, we as a province have not adequately met the needs of African Nova Scotian children and their families. We are sorry.

As Nova Scotians—as a people, walking together—we must do better.

An apology is not a closing of the books, but a recognition that we must cast an unflinching eye on the past as we strive toward a better future.

We are sorry for your suffering, we are grateful for your courage, and we welcome your help in building a healthier future for all of us.

The Honourable Stephen McNeil
Premier of Nova Scotia

October 10th, 2014

The Restorative Inquiry was established as a key mechanism to ensure that the apology would not be “a closing of the books, but a recognition that we must cast an unflinching eye on the past as we strive towards a better future.” It was established in response to the call for justice by former residents of the Home. Former residents began to break the silence regarding their experiences in the Home in 1998 when several former residents came forward to share their stories. They ultimately turned to the legal system through criminal and civil proceedings in search of justice for the harms and abuses they suffered.

As more former residents came forward, several formed the organization VOICES – Victims of Institutional Child Exploitation Society – to advocate for, and support, former residents, and to ensure their experiences and voices remained central in the search for justice. They came together as a group for the first time at a retreat in 2012. As they gathered together to support one another they used a wooden carving of Sankofa as a talking piece to ensure everyone had a chance to be heard.



Sankofa is a word and symbol used by the Akan people of Ghana. The word is derived from the words: **SAN** (return), **KO** (go), **FA** (look, seek, and take). It stands for the idea that it is not taboo to go back and fetch that which you have forgotten. As explained by the Carter G. Woodson Center: “Sankofa symbolizes the Akan people’s quest for knowledge among the Akan with the implication that the quest is based on critical examination, and intelligent and patient investigation. The symbol ... is based on a mythical bird with its feet firmly planted forward with its head turned backwards. Thus, the Akan believe, the past serves as a guide for planning the future. To the Akan, it is this wisdom in learning from the past which ensures a strong future.”¹

The symbol of this talking piece reflected the former residents’ vision of the way forward on what they describe as their “journey to light.” It is this vision that shaped and guided both the design and subsequent work of the Restorative Inquiry as part of the journey.

Sankofa was an important symbol for the former residents and VOICES because it captured their desire for a *restorative* public inquiry. For these former residents, justice required an approach that would look back, not to ascribe blame, but to shed light on the history and experience of the Home in order to learn from it and move forward into a brighter future. This vision of justice required a different way forward. Former residents sought justice then through a restorative approach to settling their legal claims and to a public inquiry. The restorative approach reflected the commitments former residents made to one another: that they would travel on their journey to light in a way that did no further harm and left no one behind. The non-adversarial, inclusive, and collaborative nature of a restorative approach drew former residents to this way to realize their vision of a journey to light.

The Restorative Inquiry: A Different Way Forward

This Restorative Inquiry was about more than using a different process. It was about a different *approach* to understanding and responding to the history and experience of the Home. It was designed to recognize and respond to the relational nature of the harms, and their legacy, by focusing on the contexts, causes, and circumstances, including the institutions, systems, and structures that shaped, facilitated, and contributed to the history and experience of the Home. Through this approach, it was clear how these harms reached from the individuals directly affected to their families, communities, and across generations. The restorative approach of the Inquiry did not look at incidents or issues in isolation or out of context, nor did it seek answers by searching for who was to blame. The Inquiry considered individual harms *through* their contexts and causes. It sought to understand these harms by looking at the reasons the Home was created, the complex relationships and systems involved, and the connection to systemic and institutionalized racism in Nova Scotia. This work required consistent and careful attention to relationships within the African Nova Scotian community and between the African Nova Scotian community and the Government. Through a restorative approach, the Inquiry:

- ▶ **Asked** who else was involved or affected? Who else can affect the outcome or contribute to understanding of moving forward? A restorative approach invites and engages those connected to be part of the process.
- ▶ **Revealed** how individual harm was connected to broader or systemic issues.
- ▶ **Focused** on developing shared responsibility and collective action to address harms to ensure they do not happen again.
- ▶ **Produced** actions, plans, and commitments for the future, not just pay back for the past.

As will be shared in the pages of this Report, the restorative approach supported a complex understanding of what happened, who was involved and affected, and the nature of the harms and their legacies, including the historical, social, and political context of the Home. The Inquiry looked back in order to understand what happened, who was affected/harmed, who was responsible, and who could affect the outcome or future. It looked forward in order to determine what matters about what happened for the future, and what needs to be done to address the situation (the harms and the related issues) to build the conditions so things are better in future.

The history and experience of the Home revealed three central issues the were the focus of the Inquiry's work: responding to institutional abuse (and other failures of care); the experience of children and young people with the system of care; and addressing systemic racism. These central issues are complex and interrelated. Attention to these issues revealed the need for



fundamental changes at the level of systems, structures and services – to why and how they work. The Inquiry recognized that often governments and agencies have resisted the idea of a fundamental shift in the structure of systems and ways of working. We have come to understand this is not merely a lack of will, but rather of knowledge, capacity and sometimes skill. Such change takes a long time – it takes patience that is often lacking or impossible in the face of frustration and public outrage at urgent and pressing problems and failures. In place of a fundamental shift, efforts have generally focused on coordination of silos and systems to try to make things better. These efforts have made things better – they have helped ensure things are done right. However, they have not brought about a real and lasting difference in terms of doing the right thing by young people, families and communities. For that, the Inquiry recognized, we need relational and integrated ways of thinking, working and of structuring our systems and services. Through its phases of work the Inquiry sought to secure the relationships, learning and understanding required to plan and take action needed for such a fundamental shift.

The Inquiry was restorative then in terms of the outcome at which it was aimed – the difference it sought to make for the future. But it was not merely a mechanism to achieve an outcome in the future. The Restorative Inquiry process itself was a restorative experience and modelled this approach. As detailed further in this Report, it was restorative – relational, inclusive, participatory, collaborative, and future focused – in its design, operation, and the outcome it produced. For example:

- ▶ It was designed through a restorative process that facilitated parties and stakeholders to come together to plan this Inquiry as a collective responsibility.
- ▶ It was led by a group of commissioners representing the central parties who worked collaboratively as a Council of Parties.
- ▶ The Council of Parties took a facilitative approach to its work with parties and participants in the Inquiry.
- ▶ Parties actively participated together through the Inquiry to build relationships, learn and understand, and plan and take action.
- ▶ The Inquiry was designed and implemented as a catalyst for change – oriented to action aimed at making a difference for the future.

The pages of this Report elaborate and share the “different way forward” of the Restorative Inquiry. It details *why* this Inquiry was different, *how* it was different, *what* difference it has made, and *what* it revealed in terms of what is needed for a different future.



A Different Way Forward: A Different Report

The different way forward of the Inquiry is reflected in the nature and purpose of this Report.

The triggering moment for this different way forward rested on the bravery and persistence of former residents. They raised their voices, daring to speak about that which for so long had been unspeakable. This first step broke the silence that had been held for generations about their experiences in the Home. When they spoke, they were met with silence and they felt silenced by authorities and community. The silence in their communities was born of fear, protectiveness, love, and pain. Yet the former residents persisted. Silent no more, they spoke of past harms, and of their commitment to a journey to light for a better future. They spoke in ways that invited others – from community and Government – to add their voices and to join in this journey to light.

This Report is an important part of ensuring those voices continue to be heard – that the silence that was broken is filled with a shared understanding of the past and what it means for our collective future. The Report tells the story of the complicated history of the Home. It is not, as some would have it be, simply a story of bad actors and actions. It requires attention to the context, causes, and circumstances that shaped processes, roles, patterns of interaction, and behaviours. It is a difficult story of how systems and ways of working structure relationships and impact how we think, act, and react to one another.

The story of the Home is a decidedly human story. The Inquiry took a restorative approach to ensure a human-centred process and response. It is essential, then, that this Report reflect the human-centred nature of the Inquiry process. It reflects the voices of those who came together within the Inquiry process. This Report will not be a surprise to those whose collective efforts contributed to the work and outcomes of this process. Rather, it should reflect their experiences as a foundation for further and future efforts. Others, too, including the public, need this Report to share this story and how this process worked so they might be able to find and understand their part in this different way forward.

It was important in preparing this Report to ensure that it shared this way of working and what we came to learn and understand in and through it.

The different approach to design and implementation of this Inquiry did result in different outcomes. It is likely that readers will flip through this Report to the end, seeking out a list of recommendations as is commonplace for public inquiries. Many will be looking for an itemized list – complete with details about who the recommendations are aimed at and the actions, timelines, costs, and outcomes expected.

Part of the impetus to take a different approach to this Restorative Inquiry was the hope for better outcomes and impacts through the process. The former residents wanted what happened to them

to matter – to make a difference – for the future. The Restorative Inquiry was designed for this purpose. To this end, the commissioners on the Council of Parties fulfilled their role differently. They did not determine the facts and then decide what should happen on their own. Rather, through the Inquiry, they facilitated the relationship building needed to learn and understand what happened, figure out what to do about it, and how to bring about the changes needed. This approach made a difference to the process and its outcomes. It is different in a number of ways that are important to understand before reading this Report or searching for its “recommendations”. The following points are elaborated at the beginning of Chapter 7 and provide context and caution for those who seek to reduce the outcomes of the Inquiry and this Report to a checklist of recommendations.

- **This Report is not only the Council of Parties’ Report – it is not their plan or recommendations alone.** The Council actively engaged with participants to support identification of possible responses or actions needed to support the necessary shifts in understanding and action (see Chapter 6) to address its central issues. The determination of the shifts needed and the ideas and actions for change taken, underway, or proposed came out of the collaborative processes of the Inquiry and reflect the considerable knowledge, insight, and commitment of participants towards such changes. This Report reflects the collective work of the parties who participated in the Inquiry.
- **The ways forward are not intended as isolated actions – it is not a “checklist” of what to do.** A better analogy might be to consider it a road map providing information, guidance, and support for the journey ahead. The map reflects the terrain and possible routes. We have highlighted some pathways but really focused on where we are going and how we will travel because this is essential to a successful journey.
- **Planning and action are already underway.** Recommendations in a traditional inquiry process generally presume action will come after the process, that parties are waiting for the recommendations to tell them how to move ahead. The parties in the Restorative Inquiry process were committed from the outset to the idea that the purpose of the Inquiry was to support change in real time. Such change has happened within the process through the building and shifting of relationships, perspectives, and understanding. This experience of working together in a different way has modelled how to work in restorative ways in the future. Parties have not had to wait on findings and related recommendations at the end of the Restorative Inquiry to begin to make a difference. The process was designed to share learning and understanding throughout the process among the parties with interests and responsibilities to ensure it could be mobilized to make a difference.



- **This Report does not offer a complete list of the actions, plans, commitments, and recommendations that will be needed.** The actions, plans, commitments, and recommendations emerging from the Inquiry are only a start, or partial list, of what may be required or helpful on the journey ahead. In considering what actions, plans, commitments, and recommendations to focus on, the central concern was to establish and support the conditions needed to make a lasting difference on the central issues of systemic racism, the experience of care, and response to institutional abuse and other failures of care. The actions, plans, commitments, and recommendations provided in this Report are not the final word on what needs to happen, but are intended as a start to shifting our approach in order to move forward in a different way.
- **The success of outcomes from the Restorative Inquiry should not be measured by the different things that are done, but against why and how they were done.** Assessing the success of the outcomes and the nature of the parties' commitment to the way forward cannot be based simply on what they get done— on whether the actions, plans, commitments, and recommendations described in Chapter 7 are completed. Of course, this Report and the plans, commitments, and recommendations detailed in Chapter 7 are intended to provide a measure of accountability and guidance to ensure parties live up to the shared responsibility for collective action flowing from the Restorative Inquiry. The suggestion that the plans, commitments, and recommendations should not be treated as a checklist is not meant to weaken their power and influence over what happens next. Rather, suggesting that the measure of success must consider the *impact*, and not simply the actions taken, requires more, not less, scrutiny and attention to ensuring parties follow through with the actions, plans, commitments, and recommendations. The need for flexibility is contemplated in terms of the implementation of various plans, but this does not permit a compromise on the underlying commitments to *why* and *how* they must be fulfilled. Chapter 6 provides a clear articulation of the commitment to a shift in thinking and practice that underlies planning and action aimed at making this difference. It requires shifts at the level of ideas, structures, and systems. Actions must be rooted in and measured in terms of their reflection of these deeper and more lasting shifts.

Overview of Report Chapters

The Report follows the wisdom and spirit of Sankofa. Chapter 2 provides an account of how the Inquiry undertook this work. Chapters 3 and 4 reach back, as Sankofa does, to find that knowledge we need to gather to bring forward into the future. Chapter 5 brings that knowledge forward from the past as it offers an examination of the history and experience of the Home and the former residents' journey to light. Chapter 6 shares what we have learned from the past about what matters for the way forward on these central issues. It faces forward, as Sankofa does, and draws on the lessons from the Home to examine these central issues in the present and the changes needed to make a difference. Chapter 7 shares the actions, plans, commitments, and recommendations made through this Inquiry process aimed at making this difference for the future.

The six additional chapters that follow this introductory/overview chapter are as follows:

Chapter 2: The Restorative Inquiry: Mandate, Structure, Approach & Process

As its title suggests, Chapter 2 explains the design, mandate, and structure of the Restorative Inquiry. It details the restorative approach that shaped the Inquiry throughout and distinguished it from traditional models of public inquiries. Its processes and operations are described, including their scope, breadth, and depth. This chapter offers important context for how our understanding of the history and experience of the Home was developed and the way forward discerned.

This chapter also provides an important overview of the restorative approach to this Inquiry. This approach has garnered significant interest for its future potential here in Nova Scotia, as well as nationally and internationally. This chapter was written to share the restorative approach to inquiry, as it was developed through this process, so that it might support future consideration or efforts of this different way.

Chapter 3: The History of the Nova Scotia Home for Colored Children: Governance, Operations & Living Conditions

This Chapter provides an overview of the history, operations, and the resulting living conditions and experiences of the residents of the Nova Scotia Home for Colored Children. More than a simple chronology or institutional history, the chapter is framed by a recognition of the importance of a range of institutional relationships that governed the nature and operations of the Home. The chapter discusses the formative and influential nature of these institutional relations at the outset because developments in its operations throughout the history of the Home reflect these relations. The chapter opens with an overview of the origins of the Home. The Home is deeply rooted in the history of the African Nova Scotian community, in their values, vision, and commitment to community and in their struggle and resilience in response to the

systemic racism that has marked their lives and experiences in Nova Scotia for over 400 years. The story of the Home is deeply entwined with the history of this province and the African Nova Scotian community.

This chapter is not intended as a complete or definitive history of the Home. It approaches the history of the Home through the lens of the three issues identified through the Inquiry as most central to making a difference for the future. The Inquiry examined the history of the Home through the lens of these issues. Chapter 3 shares the Inquiry's examination of the facts, context, conditions, and circumstances that are most significant to understanding the history and experience of the Home for this purpose.

Chapter 4: The Journey to Light and the Road to the Restorative Inquiry

This chapter traces the former residents' journey to light, from the first revelations about the harms and abuses they experienced as young people at the Home through to the establishment of this Restorative Inquiry. The chapter details the responses to their institutional abuse (and failures of care) by Government, the Nova Scotia Home for Colored Children, and by some within the African Nova Scotian community. It traces former residents' efforts to seek justice through the criminal and civil justice systems and, ultimately, through the establishment of a public inquiry. The efforts and experiences of former residents informed their vision of a different way forward. This chapter provides important background and context for the work of this Inquiry, and, more broadly, for the central issue on responding to institutional abuse (failures of care).

Chapter 5: Understanding the History, Context and Experience of the Nova Scotia Home for Colored Children

This chapter provides an analysis of the history and experience of the Nova Scotia Home for Colored Children and the former residents' efforts to get a response to the institutional abuse and failures of care they experienced at the Home. It examines the factual accounts in chapters 3 and 4 to share what we have come to learn and understand from the history and experience of the Home for the three issues central to the work of the Inquiry. This chapter starts with an examination of systemic racism, given its foundational role in the purpose, founding, and operations of the Home. It then considers the factors that shaped the nature and experience of systems of care that influenced the Home and were reflected within it. Finally, the chapter provides a detailed analysis of the responses to the abuses and failures of care at the Home and draws out the insights and lessons from the historical and more recent responses to former residents' abuse.

Chapters 3 and 4 provide details about what happened at the Home, and in response to the Home, as we have come to know these facts through the Inquiry's extensive review of records and from former residents and others sharing their knowledge and experience with the Inquiry.

Chapter 5 seeks to make sense of what happened. It considers why it happened and what matters about what happened in terms of insights and lessons for the Inquiry's three central issues. The Inquiry has found that the history and experience of the Home is often told but not well understood. This chapter seeks to address some of the long-standing assumptions and misconceptions about the Home and establish a firm foundation of understanding upon which we can draw lessons for the future.

Chapter 6: The Way Forward: What We Have Come to Learn and Understand

Chapter 6 examines the implications of what we came to learn and understand from the history and experience of the Home for the way forward on the central issues of responding to institutional abuse (failures of care), experience of care/system of care, and systemic racism. The Chapter shares what we came to learn and understand through the Inquiry as parties from Government and community were brought together to reflect on these issues from current standpoints and experiences. It reflects the findings made through the work of the Inquiry about what needs to happen to make a difference on these issues in the future. Chapter 6 draws significantly on the knowledge gained from research and experts during the Inquiry. The Inquiry shared this knowledge with parties to deepen their learning and understanding about what matters and what needs to happen next to improve the lives and experience of young people, families, and communities.

Chapter 6 is organized according to the Inquiry's three central issues. It starts where Chapter 5 left off with a focus on the responses to abuse. As this chapter seeks to draw on lessons from the past to consider the implications for the present and the future, it makes sense to start with an examination of the responses to abuse as some of those lessons are still current. The responses to the institutional abuse at the Home are, at least in part, very recent. Indeed, this Inquiry itself is a part of that history. The lessons it offers have immediate application and relevance for our current responses to such abuse and failures of care. The other issues require us to reach back further to the history of the Home and bring lessons into the present as parties considered the current system care and manifestations of systemic racism.

As this Chapter shares learning and understanding about the implications of the lessons from the Home for the way forward on the central issues, it bridges the lessons from Chapter 5 to reflect on their significance for today and to inform the way ahead considered in Chapter 7. Just as Sankofa brings forward that which is good to know from the past for the journey ahead, Chapter 6 connects the lessons from the past with the knowledge of today in support of future action.

Chapter 6 serves as a resource and support for those who are taking or will take action to carry out the plans and commitments and pursue the recommendations flowing from the Inquiry as outlined in Chapter 7. Chapter 6 draws together the learning (background information, evidence,

and other resources) gathered through this process and ensures it is available to support the parties' work going forward. The Council of Parties intend this Chapter (and the Report as a whole) to serve as a helpful resource for the way ahead. We have come to understand through the Inquiry that change will only be real, lasting, and sustainable if it is about more than doing things differently BUT is also rooted clearly in a different understanding of *why* we are doing these things and of *how* to do things differently. Chapter 6 shares why and how we need to shift and change in order to make a difference.

Chapter 7: Making a Difference: Actions, Plans, Commitments and Recommendations

This Chapter shares the actions, plans, commitments, and recommendations that emerged through the Inquiry process. As discussed above, in a traditional public inquiry this chapter would contain the Commissioners' determinations and recommendations for what should happen – for who should do what next. This inquiry process has been different in its approach, its ambitions, and its outcomes. It has sought action in real time in the form of new and changed relations among parties needed to understand the issues and bring about change for the future that will make a real difference. The Inquiry has invited and facilitated collaboration throughout, including in the actions, plans, and commitments for the way forward. This chapter should not be treated as a checklist or read as a complete action plan. Instead, it shares the work achieved and begun through this Inquiry and the work that parties are committed to doing next. It also captures recommendations for the way ahead based on the learning and understanding achieved among the parties within the Inquiry. Yet these actions, plans, commitments, and recommendations are not ends in and of themselves: they are steps towards a fundamental shift in support of a different way forward. Chapter 7 then should not be read merely as a list of different things to do, but as support of doing things differently. It shares what has already been achieved as a result of the relationship building, learning and understanding, and the collaborative planning and collective action supported through the Inquiry. It reflects the elements of the work ahead to support parties' plans and commitments. This chapter will provide an important guide for next steps to make a difference for children, young people, families, and communities in Nova Scotia.

Reading & Using This Report

The Council of Parties has written a comprehensive report. It is expected and hoped that it will not simply be read but *used* in support of the journey ahead to make a difference. It has been written so that people may turn to it, to learn different things, for different reasons. Some will be drawn to learn more about the history and experience of the Home in Chapters 3 and 4: to learn the facts surrounding its founding and operations, and to know more about the former

residents' efforts to seek justice. The former residents have said they felt silenced as children and again as adults when they came forward to talk about what happened in the Home. We hope, for many, this report will help break the silence and support further dialogue about what happened and why. This Report is intended to help support and inform those important conversations. Others will come to this Report in search of lessons from the Home that will help make a difference for the future – for those in care and for those seeking justice. Chapters 5 and 6 reveal the lessons learned and their implications for care, for responses to abuse, and for addressing systemic racism. Yet others will turn to this Report because they seek a different way forward and will look to Chapter 2 to understand the journey and work of the Inquiry as a different way forward. Chapter 7 helps identify those elements that will support the shift in ways of working for the future as laid out in Chapter 6.

In preparing the Report, the Council of Parties sought to create a record and resource to share *why* we were different, *how* we worked differently, and *what* difference it made and needs to make in the future. This different way was fundamentally human centred. It started with a recognition of the importance of first voice and of relationship. This is reflected in the pages of this Report but it cannot be fully captured without hearing from the people who came together to work in this different way. To this end, the Council of Parties worked with filmmaker Sylvia Hamilton to document the process and work of the Inquiry and the difference it made. This Final Report would be incomplete without their voices and reflections. A five-part video series complements and accompanies this report and is available online at restorativeinquiry.ca

Endnotes:

¹ As explained on website for the Carter G. Woodson Center for Interracial Education at Berea College in the Kentucky, United States see online at: <https://www.berea.edu/cgwc/the-power-of-sankofa/>