



C H A P T E R T W O

The Restorative Inquiry: Mandate, Structure, Approach & Process

Introduction

The tag line for the Restorative Inquiry is: *A Different Way Forward*. This reflects one of the foundational purposes and commitments of the Inquiry. Rooted in the vision of the former residents of the Home who sought this approach, this Restorative Inquiry is not merely a means to an end. It was intended to model the difference it sought. The vision of the Inquiry was to find a different way forward and to be an essential part of the journey – as we have learned through the Inquiry how to travel differently. As the pages of this Report reflect, the restorative approach of this Inquiry is essential to the way forward.

Being different, and new, the Inquiry has also involved significant learning along the way – both about the history and experience of the Home and its lessons and implications for the future, and about *how* we can move forward.

The Inquiry is, then, part of the larger journey to light begun by the former residents of the Home. The journey leading up to this Inquiry is detailed in Chapter 4. It is important, in understanding the Restorative Inquiry, to appreciate that it was designed through a process that was, itself, restorative in its approach. The invitation from former residents to join in the journey to light, and the need to take a different approach to public inquiry as part of this journey, was clear from the outset. The former residents called for a restorative approach to the Inquiry and the Premier agreed.

Government invited former residents to tell them how they envisioned such an Inquiry and committed to design the Inquiry accordingly. The former residents, though, wanted a collaborative approach to design the Inquiry in order to ensure the process would have both the structure and the commitment from the central parties needed for success. It was agreed that a facilitated, collaborative design process would be used to determine the mandate, terms of reference, and approach of the Inquiry. The Government made the bold and unusual commitment to empower a design team (that included Government as a participant but not as the lead) to collaboratively determine the mandate and terms of reference for the Inquiry. The Government committed it would implement the process as designed.

The design team was selected for both the knowledge and expertise of members, and because of the importance of the relationships and connections that were represented on the team. At the invitation of the former residents' group VOICES (Victims of Institutional Child Exploitation Society) and the Government of Nova Scotia, a 15-member design team was appointed. The design team included former residents, legal counsel, representatives from Government, members of the NSHCC Board, and members of the African Nova Scotian community. VOICES and the Government asked Jennifer Llewellyn, a professor at the Schulich School of Law,

The former residents, though, wanted a collaborative approach to design the Inquiry in order to ensure the process would have both the structure and the commitment from the central parties needed for success.

Dalhousie University, and an international expert in a restorative approach, to guide and facilitate the design process. Professor Llewellyn had been a support to VOICES during their advocacy efforts to find a settlement as well as for a public inquiry. Members of the design team were (listed with their relevant positions at the time they served):

- Tony Smith, VOICES
- Gerry Morrison, VOICES
- Tracy Dorrington-Skinner, VOICES
- Sylvia Parris, Nova Scotia Home for Colored Children (NSHCC) Board of Directors
- George Gray, NSHCC Board/African United Baptist Association
- Carolann Wright-Parks, Ujamaa/Greater Halifax Partnership
- Tracy Thomas, Office of African Nova Scotian Affairs
- Gerald Hashey, Nova Scotia Human Rights Commission
- Stephanie MacInnis-Langley, Nova Scotia Advisory Council on the Status of Women
- Kenneth Fells, Black Educators Association
- Michael Dull, Wagners Law Firm
- Michelle Williams, Director, Indigenous Blacks & Mi'kmaq Initiative, Schulich School of Law, Dalhousie University
- David Darrow, Deputy Minister to the Premier and Clerk of Executive Council, Province of Nova Scotia
- Chad Lucas, Executive Council Office, Province of Nova Scotia
- Jennifer Llewellyn, Viscount Bennett Professor of Law, Schulich School of Law, Dalhousie University (restorative expert and facilitator)

Ujima is a Swahili word meaning collective work and responsibility. The principle reflects a commitment to build and maintain community together and make our brothers' and sisters' problems our problems and to solve them together.

The design group called themselves the Ujima Design Team after one of the seven core principles of Kwanzaa—Nguzo Saba. Ujima is a Swahili word meaning collective work and responsibility. The principle reflects a commitment to build and maintain community together and make our brothers' and sisters' problems our problems and to solve them together.

The design team met weekly for 10 months from September 2014 until the launch of the Inquiry in June 2015.

The design team worked through a process that reflected the approach to the overall process being designed. The team took significant time to build trust among the team to facilitate the openness and honesty needed for different parties to be fully engaged within the process. The team undertook a process to learn and understand the scope and nature of the work and issues that would have to be tackled, and then collaboratively planned for action and implementation.

The design team also systematically engaged with those who would be affected or involved with the process to understand what they felt was important and to share the learning and understanding and plans as they were developing. This outreach was also intentionally approached in a way to build the connections and relationships among those important to this different way forward.

The design team produced the Mandate and Terms of Reference for the Restorative Inquiry. The Government established the Inquiry under the *Public Inquiries Act* according to the Mandate and Terms of Reference, as written by the design team.

This Chapter provides an overview of the Restorative Inquiry – how and why it was different. It explains the approach, mandate, structure, processes, and work of the Inquiry. This Chapter provides the context and background for the process through which the Inquiry came to understand the history and experience of the Home, and discern its lessons for today and into the future about the issues most central to the mandate.

This Chapter is also intended to share details of the approach and model of this Restorative Inquiry. The restorative approach to inquiry has attracted a lot of attention nationally and internationally. For example, the United Nations Working Group of Experts on People of African Descent concluded in their report on their visit to Canada:

The Working Group welcomes the inquiry as a model of restorative justice based on collaborative examination and decision-making and encourages the province's public agencies to engage as fully as possible in the process. The Working Group encourages the federal and provincial governments and agencies to adopt similar collaborative and restorative approaches in addressing similar issues affecting people of African descent in their jurisdictions.¹

This experience of taking a restorative approach to dealing with historical harms, particularly ones rooted in long-standing relationships of inequality – of systemic racism – is of significance to others in Canada and internationally faced with the work of truth, justice, and reconciliation.

The great poet Maya Angelou said “[h]istory, despite its wrenching pain, cannot be unlived, but if faced with courage, need not be lived again.” And Sankofa, the African proverb, counsels us to go back to the past to fetch the seed of a new future.

It is beautiful to see that the Restorative Inquiry's work in examining the experiences of former residents and others related to Home for Colored Children in the larger context of Nova Scotia's history and legacy of structural and institutional racism is following the wise counsel of both Maya Angelou and the Sankofa bird.

And in doing so, you are lighting the way for us in the U.S. as we forge our own path in creating restorative justice-based processes to tell the truth about and transform historical and present-day harms of white supremacy, slavery, mass incarceration, and deadly police practices. The RI teaches us that a US truth process cannot rely on a centralized, hierarchical approach guided by experts and that we must intentionally create decentralized, bottom-up, inclusive and radically democratic processes that elevate the voices of those most directly impacted. The RI teaches us that addressing harm holistically requires attention to recognizing and restoring not only relational, but also structural dimensions of harm. This means working simultaneously on intrapersonal, intragroup, intergroup, and systems levels. You also affirm our belief that circle processes to individually and collectively consider responsibilities and reparative action are well-suited for this type of multilevel work.

Though so much work lies ahead, this is a time to celebrate the completion of this phase of RI's historic accomplishments. I celebrate with you in spirit. I am confident that what you are doing – and what we are beginning to do in the United States, inspired by you – will allow us to face our respective histories' pain with courage so it need not be lived again. It is allowing us to fetch the seed of a new future.

***Fania E. Davis to the Restorative Inquiry Public Event on
Restorative Approach for Racial Justice – March 2019***



Fania Davis & VOICES

Fania Davis is a leading national voice on the intersection of racial and restorative justice. She is a long-time social justice activist, civil rights trial attorney, restorative justice practitioner, and writer and scholar with a PhD in indigenous knowledge. Founding director of Restorative Justice of Oakland Youth (RJOY), her numerous honors include the Ubuntu Award for Service to Humanity, the Dennis Maloney Award for Youth-Based Community and Restorative Justice, the Tikkun Olam (Repair the World) Award, the Ella Jo Baker Human Rights Award, the Bioneers Change Maker Award, and the EBONY Power 100 Community Crusaders Award. She is a Woodrow Wilson fellow, and the Los Angeles Times named her a “New Civil Rights Leader of the 21st Century. She is the author of: The Little Book of Race and Restorative Justice: Black Lives, Healing, and US Social Transformation (Justice and Peacebuilding)

Part of the contribution, then, the Inquiry hopes to make with this Report is to offer a clear account of the process – its design and implementation – so that others may learn from the process and consider its implications for the future. There is much to be learned about a restorative approach in action from the design and implementation of this Restorative Inquiry. It is also hoped this attention to how the Inquiry worked will provide support for the journey ahead, as discussed in Chapter 7 of the Report. Understanding a restorative approach and how to design processes and ways of working that reflect such an approach are essential to the way ahead charted through this Inquiry.

We do not intend for the particular structure and implementation of this Restorative Inquiry to be ready-made for other situations and contexts. It is not offered as a model in that sense. Rather, it is shared as an example of the application of restorative principles in action, as they are reflected in the design and work of the Restorative Inquiry. The restorative approach of this Inquiry made a difference at every level, to the mandate, structure, and work of the Inquiry. The different way modelled by the Inquiry is described in the sections that follow.

Mandate

The Government of Nova Scotia committed to a hold a public inquiry into the Nova Scotia Home for Colored Children (NSHCC) as part of a comprehensive response to the history and legacy of the Home and the abuse that occurred within it. Further details of this response to abuse and the role of the Restorative Inquiry in it are provided in Chapter 4. The full Mandate and Terms of Reference, as written by the Ujima Design Team, are available on the website restorativeinquiry.ca. As set out in the Mandate, the Restorative Inquiry was to:

Examine the experience of the Nova Scotia Home for Colored Children (NSHCC) as part of the history and legacy of systemic and institutionalized racism, both historic and current, in Nova Scotia.

Examine and seek to understand the experiences of former residents within the NSHCC and the legacy and impact of these experiences for former residents, their families and communities.

Examine the experiences of former residents within the NSHCC for what they might reveal about issues of institutionalized child abuse and prevention and protection in future.

Inquire into how the history and legacy of the NSHCC has impacted not only African Nova Scotian communities but all peoples in Nova Scotia and consider how to address this harmful legacy. It will reveal, reckon with and address this part of the harmful history and legacy of anti-Black racism in the Province of Nova Scotia.

Empower those involved in, and affected by, the history and legacy of the NSHCC to learn about what happened and the contexts, causes, circumstances and ongoing legacy of the harms related to the NSHCC.

Examine the role and contribution of various systems, sectors and institutions in the harmful history and legacy of the NSHCC, including, for example: education, justice, health and community services.

Engage affected parties and all Nova Scotians in collaborative planning and action to address this history and its legacy and create change to secure a better future for African Nova Scotian children and their families and communities.

Educate the public about the history and legacy of the NSHCC.

Contribute to the goal of social change to end the harmful legacy of abuse and ensure the conditions, context and causes that contributed to it are not repeated.

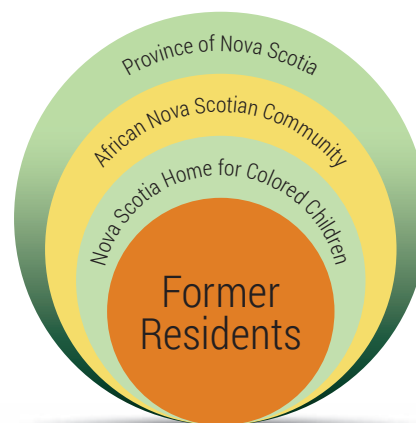
Publicly share the truth and understanding established through the RI and the actions taken, planned and recommended to address systemic and institutionalized racism and build more just relationships for the future.

Affirm and strengthen the cultural knowledge, leadership and health of the African Nova Scotian people and communities as one of Nova Scotia's founding cultures.

Model a restorative approach to conflict resolution.

Create agenda and momentum for further learning and action on related issues of systemic racism that are revealed through the process.

The mandate clearly reflects how central the experience of former residents of the Home was to the Inquiry. It was from the starting point of their experience that the Inquiry broadened its lens to consider the contexts, causes, and circumstances of their experiences and the lessons and implications that extend beyond the Home and into the future. The Mandate then starts with a focus on the experience of former residents, and builds from this to consider the Home, the African Nova Scotian community, and, more broadly, to focus on the province of Nova Scotia. As this image depicts, the focus of the Inquiry was layered and sought to understand the experience of the Home in an integrated and holistic way.



It is clear that the work identified in the Mandate could only get started through the Inquiry process. Indeed, as reflected in the outcomes section of the Mandate and Terms of Reference, the Inquiry is intended to make a contribution to the much larger and more long-term goals of making a difference envisioned by former residents and the design team.

It is expected that the RI will make significant and substantial contributions toward:

- Truth and understanding of what happened with the NSHCC, including the context, causes, impact, and legacy of harms.
- Addressing the needs of and supporting healing for former residents.
- Public recognition and acknowledgment of historic and current systemic and institutionalized anti-Black racism in Nova Scotia through the lens of the NSHCC experience.
- Modelling ways of confronting and addressing instances and issues of racism in Nova Scotia in the future.
- Eliminating racism existing at individual, institutional and systemic levels in Nova Scotia.
- Supporting reconciliation and fostering just relationships within the African Nova Scotian community and between African Nova Scotians and other Nova Scotians.
- Better relationships and ways of working between African Nova Scotian communities and Government founded on mutual respect and understanding.
- Recognition and affirmation of the significance and strength of African Nova Scotian culture, communities and leadership as a founding people of Nova Scotia.

The Inquiry was designed to support work towards these outcomes into the future. It was explicitly concerned with facilitating parties to build the relationships, knowledge, and capacity needed to take up this mandated work when the Inquiry process ends.

The design team gave careful consideration at the outset of its work to *why* a public inquiry was important: what was its purpose? Grounded in the vision of the former residents for a public inquiry of a restorative character, members of the design team considered what success would look or feel like for the Inquiry. Through this work, they identified *why* the Inquiry was being established and its purpose was expressed in the objectives and goals set out in the Mandate.

Objectives/Goals

Build Just & Respectful Relationships – Foster relationships of mutual respect, care, acceptance and dignity within and among communities, systems, structures and institutions. Support collective ownership, shared responsibility and collaborative decision-making.

Develop Knowledge and Understanding – Learn what happened, what matters about what happened for the future, who was affected and how, and the contexts, causes, and effects of what happened. Develop understanding of different experiences, perspectives, worldviews and how they have shaped relationships and lives within African Nova Scotian communities and between African Nova Scotians and non-African Nova Scotians in the context of the history and legacy of the NSHCC.

Develop Plans & Take Action – Toward a better future for African Nova Scotian children, families and communities and all Nova Scotians.

Establish Shared Understanding & Seek Just Social Change – To ensure that such harms never happen again by seeking an end to systemic and institutionalized racism. Seek to understand and address the conditions and circumstances that enabled or fostered institutionalized child abuse.

Restorative Approach

Sankofa has been an important symbol of the Journey to Light for former residents and for the Inquiry. When former residents first gathered together at a retreat in 2012 to support one another in their efforts to achieve justice for their experiences at the Home, they used a Sankofa as their



talking piece. This symbol has guided the work of the Restorative Inquiry as well. Sankofa is a word from the Twi language of Ghana that is generally translated to mean “Go back and get it.” This idea is sometimes represented by the symbol of a bird with its head and neck reaching backwards to gather an egg in its beak while its feet face forward. Sankofa is often associated with the proverb, “Se wo were fi na wosankofa a yenkyi,” which translates as: “It is not wrong to go back for that which you have forgotten” or “it is not taboo to go back and fetch what you forgot.”² While Sankofa reminds us to go back, it is clearly for the purpose of finding what

we need in order to move forward. This is a core commitment of a restorative approach. It is forward focused, yet concerned with getting a comprehensive understanding of the past in order to know how to move forward toward a just future. Sankofa reminds us of our relationship to the past. It is significant that Sankofa reaches back for an egg – for something so clearly connected to being and identity, and a reminder of how things came to be. A restorative approach is similarly grounded in a relational world view that pays attention to connectedness. The relational world view informing the restorative approach of the Inquiry reflects Africentric wisdom and knowledge that informed the

design and approach of the Inquiry. The Africentric world view is relationally focused on “oneness with others” (community) and values just relationship within community. It is rooted in a strong belief in the goodness of people and individuals working together. The Restorative Inquiry was particularly reflective of the Africentric values/commitments to:

- UMOJA (Unity) — To strive for and to maintain unity in the family, community, nation, and race.
- UJIMA (Collective Work and Responsibility) — To build and maintain our community together and make our brothers’ and sisters’ problems our problems, and to solve them together.
- IMANI (Faith) — To believe with all our heart in our people, our parents, our teachers, our leaders, and the righteousness and victory of our struggle.

Sankofa is often associated with the proverb, “Se wo were fi na wosankofa a yenkyi,” which translates as: “It is not wrong to go back for that which you have forgotten” or “it is not taboo to go back and fetch what you forgot.” While Sankofa reminds us to go back, it is clearly for the purpose of finding what we need in order to move forward.

The importance of relationship and connection was foundational to the design and work of the Inquiry. Relational principles have guided the restorative approach of the Inquiry. These principles not only informed the way the Inquiry has worked, they are also, as described in Chapters 6 and 7, fundamental to how we need to move forward. The guiding principles were established in the Terms of Reference and have been foundational to the different way forward the Inquiry has taken.

The following principles were articulated in the Mandate and Terms of Reference and elaborate the restorative approach of the Restorative Inquiry.

Relationship & Community-focused — Focuses on relationships and not only the individual level. Looks at the interconnectedness of people and issues.

Justice-seeking — Takes as its aim fostering “just” relationships – those reflecting the core commitments of equal respect, care, acceptance, and dignity.

Strengths-based — Recognizes African Nova Scotians as a strong and dignified people in their own right, not defined by marginalization or comparisons but as a founding culture in Nova Scotia. The process should profile and strengthen the leadership of African Nova Scotians indigenous to this province and build stronger community relationships with other peoples, systems and institutions in Nova Scotia.

Do No Harm and Support Healing — Former NSHCC residents’ needs and experiences will be central in the process. The RI will take a trauma-informed approach that contributes to healing and well-being while avoiding further harm. The process should seek to “do no further harm” to those involved and their relationships.

Comprehensive/Holistic – Attend not only to particular incidents and issues but also to their causes, contexts and implications. Examine the experience of the NSHCC as part of the legacy of systemic and institutionalized racism, both historic and current.

Contextually Grounded – Responsive to the needs of parties within the process. Processes will be flexible and responsive, guided by principles and adaptive to the needs of the parties and the context.

Inclusive, Participatory and Accessible – Processes should include the particular people, groups and communities relevant to the issue(s). They must be concerned to include those affected or who can affect the outcome of a situation. Inclusion must be meaningful and make a difference to the process and its outcome. It must involve engaged and active participation within collaborative processes. The RI must foster collective ownership and shared responsibility and decision-making. While not every process will be held in public or open to everyone who wishes to participate, every process will consider how to ensure the knowledge and learning gained therein is accessible to the broader public. The overall work of the RI must be done in the public interest and for public benefit.

Action and Change-Oriented – Oriented to meaningful, sustainable social change to achieve justice in and through the relationships, systems and institutions that affect the well-being of African Nova Scotian families and communities, in order to improve relationships and understanding throughout Nova Scotia.

The Inquiry was guided by these principles in its structure and approach to its work. In addition, as described in Chapter 6, these principles are reflective of the principles of a restorative approach that underpin the actions, plans, commitments, and recommendations to address the central issues in the Inquiry's work.

Restorative vs. Traditional Public Inquiry

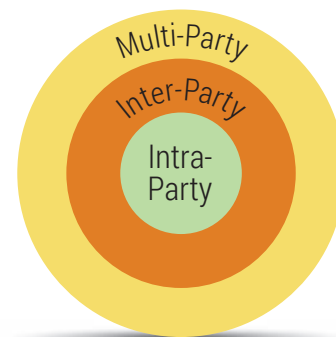
The restorative approach to this public inquiry sets its approach apart from the traditional model of public inquiries in Canada and elsewhere.³ The resulting model for a restorative inquiry differs, in both focus and design, from traditional public inquiry models. There is, in fact, no mandated model for public inquiries, and often the mandates and terms of reference presume, but do not specify, the approach to be taken. There has been some creativity in the processes of more traditionally constituted inquiries, including, for example, the Mackenzie Valley Pipeline Inquiry (otherwise known as the Berger Inquiry, after its Commissioner Justice Berger).⁴ Generally, though, such innovations are undertaken *within* the frame of a traditional

inquiry design and structure. Public inquiries are generally structured and reflect the norms of the formal legal procedures. The table below highlights some of the differences between the typical traditional inquiry model and the restorative approach of this Inquiry.

Traditional Public Inquiry	Restorative Approach
Government or legal authority determines scope, terms of reference	Affected parties (Government, former residents, community partners) work together to design the process
Sole commissioner (often sitting or retired judge) or small panel selected to lead inquiry	Process guided and overseen by a council of parties (representative of those most affected or connected)
Meetings/hearings are judicial in nature, often held in a courtroom	Meetings held in a flexible variety of settings, from small groups to wider gatherings, depending on need
Process focuses on what happened, what went wrong – “finding blame”	Process examines bigger context: what happened, why it happened, why it matters for the future – understanding responsibility
Proceedings can have an adversarial feel, with “witnesses” enlisting legal counsel for support	Processes take a non-adversarial and participatory approach; participants feel supported and welcomed to give their perspectives
Witnesses can be subpoenaed to appear in a court setting	Subpoenas less important in a collaborative approach where all parties have a say in the process; used only in support of the collaborative process with participants prepared and supported
Commissioner/small panel develops report and recommendations at the end of the Inquiry	All affected parties provide input that helps determine next steps; information developed and shared and actions can be proposed/enacted throughout the process
Commission delivers report and recommendations to Government, with no authority to make change or ensure follow-through	All parties, including decision-makers and community leaders, have a stake and role in developing and following through on recommendations and outcomes; final report shares actions taken within the process as well as plans and commitments for the future
Outcomes typically involve new or updated policies/procedures for public agencies	Outcomes should include improved relationships between agencies and communities, better ways of working together; end result not only actions but a capacity for, and commitment to, sustainable change

The Restorative Inquiry took a restorative approach to its processes. These processes brought participants together in facilitated dialogue often using circles to support development of mutual understanding and collaboration. Care was taken to reflect and draw upon culturally appropriate traditions that are consistent with a restorative approach. The use of circles is commonplace in restorative processes as they draw knowledge and practice from Indigenous and traditional communities. Circles are a helpful model because they disrupt common adversarial assumptions about justice/settlement processes and provide a conceptual and practical model for thinking about the connection and interrelationship of those involved in the process. Circles also help to share space to talk and deliberate together – to come to an understanding of what happened and what needs to happen next.

The Council of Parties worked to prepare and facilitate parties to come together in this restorative way. This included careful consideration of who should be involved, with whom, and on what issues to advance the work of the Inquiry. The Inquiry took a flexible approach to processes in order to be responsive to the learning and developments within the process and the needs of parties. Processes were designed accordingly. Processes were undertaken at different levels, or in different configurations, throughout the Inquiry. As detailed below, the Inquiry worked within individual parties (for example, with former residents, African Nova Scotian community members, and individual Government departments or agencies like the RCMP). At other points we brought a few parties together to address a specific issue (for example, justice system stakeholders, former residents and young people with care experience, the AUBA and Home previous Board members, community-based agencies connected to young people in care, etc.), and other processes engaged multiple parties to share learning and understanding or to consider ways forward (including processes that brought together former residents, representatives of the Home, members of the African Nova Scotia community and the AUBA, or processes involving multiple Government departments and agencies together with former residents and community-based organizations).



For each process and part of the Inquiry's work, the Council of Parties gave careful thought to the parties and participants that should be involved. This included consideration of how members of wider groups, communities, and the public with an interest or stake in the matter would be connected to the process, or, more generally, to the work of the Inquiry. In this way, significant attention was paid throughout the Inquiry to the public interest as is essential for a *public* inquiry. In a traditional approach, the *public* character of the inquiry is most obvious in the conduct of hearings *in public*. Of course, inquiries are also public in character by virtue of the public authority by which they operate and the public account they offer of the matter, typically through a final report. The Restorative Inquiry was public in these senses, but did not utilize public hearings – it

was not held “in public” in this way. It was, nevertheless, a *public* inquiry in terms of the engagement of the public. As we will discuss further in this Chapter, concern for connection with segments of the public (parties and communities) drove the design of the Council of Parties as a group of commissioners with connections to the central parties working collaboratively to lead the Inquiry. As noted, the Council of Parties paid attention to the connections to various “publics” in identifying who should be involved in various processes. As part of this determination, it recognized different issues had more relevance for some segments of the public than others. The processes focused on engagement with those sectors or groups in the public with a stake in the issues.

Finally, the Inquiry maintained a commitment throughout to inform and engage the public in its work. As detailed in the final section of this Chapter, during the initial part of its mandate, the Inquiry travelled throughout the province (starting with the regions outside of the Halifax Regional Municipality) focused on connecting with African Nova Scotian communities to share the mandate and plans for the Inquiry and to seek input. Similarly, during its final phase, the Inquiry travelled throughout the province again to share the learnings, understanding, and plans for actions that were emerging from the process. During its mandate, the Inquiry shared its work publicly through conference presentations and other public events.

Finally, the Restorative Inquiry was committed to sharing its learning and work during the process through Public Reports. The Inquiry produced three such reports during its mandate which are available at **restorativeinquiry.ca**:

- 1) Council of Parties Report (Winter 2016/17)
- 2) Council of Parties Second Public Report (Winter 2017/18)
- 3) Council of Parties Third Public Report (Fall 2018)

At the release of each Public Report, the Council of Parties provided a briefing and held a press conference in order to help inform the general public about the ongoing work of the Inquiry.

The work of the Inquiry was also the subject of significant public involvement by virtue of the participation of Government within the process. The participation of Government is treated in greater detail in this Chapter. What is important to understand, regarding the public nature of the Inquiry, is that deputy ministers from the government departments most connected to the Mandate were responsible to share with the legislature (and, thus, the public) their participation and actions in support of the mandate, objectives, and goals of the Inquiry. They fulfilled this responsibility by making regular reports to the legislature. They made two such reports during the Inquiry’s mandate and are required to make a third and final report a year after this final report of the Inquiry is released.

- 1) Reflection and Action Task Group 1st Report to the Legislature
- 2) Reflection and Action Task Group 2nd Report to the Legislature

Structure

The Inquiry was designed to reflect a restorative approach in both its mandate and its structure. To this end, the Inquiry was not headed by one appointed commissioner — a judge or lawyer — as is typical. Judges are often appointed in order to assure independence. Independence is important for impartiality. However, independence is often achieved by appointing commissioners that stand apart from the parties and the issues. While this can secure impartiality and/or its appearance, it can also generate distance. Such distance from the issues or the parties is less helpful in a facilitated process that requires the trust of the various parties to bring them into a collaborative process with others. The mandate of the Inquiry required commissioners with significant knowledge, appreciation, and connections to the issues and the parties in order to design, facilitate, and support working in a different way.

This does not mean the Restorative Inquiry did not value impartiality. However, rather than achieving it through distance, it secured it through the nature of relationships facilitated among the parties. The process was marked by transparency and responsibility among the commissioners on the Council of Parties and with the parties participating in the Inquiry. The collaborative nature of the process supported the conditions for impartiality and good judgement within the Inquiry process. As legal scholar Jennifer Nedelsky explains:

What makes it possible for us to genuinely judge, to move beyond our private idiosyncrasies and preferences, is our capacity to achieve an “enlargement of mind”. We do this by taking different perspectives into account. This is the path out of the blindness of our subjective private conditions. The more views we are able to take into account, the less likely we are to be locked into one perspective It is the capacity for “enlargement of mind” that makes autonomous, impartial judgment possible.⁵

The makeup of the Council of Parties and the inclusive and participatory nature of the Inquiry process made such “enlargement of mind” possible and thus ensured impartiality by building relationships in which commissioners and parties could learn and understand the perspectives and experiences of others.

The Inquiry was designed to protect independence too, but not in the sense of distance or separation. Rather, it had independence in its institutional relationship with Government. This independence was also essential to Government participation and collaboration within the process alongside others in ways that enabled shared power, responsibility, and built trust. The Restorative Inquiry needed this independence in order to facilitate processes without being controlled by one party or another.

The Inquiry's independence was also provided for in the *Public Inquiries Act* under which the Inquiry was established. It was also reflected in the careful attention to the administrative arrangements and requirements that were put in place to support the work of the Inquiry. They were designed to ensure there were no mechanisms of control for Government into the substantive work of the Inquiry.

So, while independence was key for the success of the Inquiry, it was not achieved by appointing a commissioner without a connection to the matter. It was recognized at the outset that the Inquiry required knowledge and commitment from a range of parties that could leverage their connections/relationships to build trust so parties would be willing and able to participate in the Inquiry. For this reason, the decision was made to appoint a group of commissioners to work collaboratively as members of the Council of Parties to lead the work of the Inquiry. This was in keeping with the principle of *Ujima* – shared work and responsibility. The structure and approach of the Council of Parties was essential to the success of the Inquiry. The Council is described further below. It is important first, though, to note the centrality of former residents to the leadership of the Council of Parties and the work of the Inquiry.

A. VOICES

The VOICES group (Victims of Institutional Child Exploitation Society) is a group formed by former residents of the Home to support one another and advocate on their behalf. VOICES played a central part in envisioning and designing the Restorative Inquiry.

The work of former residents and VOICES is detailed further in Chapter 4 of this Report. Former residents' experiences were a central starting point for the work of the Inquiry. However, they were more than the object of study for the Inquiry. Former residents played a fundamental leadership role in the Inquiry. They were part of the design team and their leadership continued on the Council of Parties. Former residents also participated during all phases of the Inquiry, playing an active role in the process to understand their experiences and ensure that it made a difference for young people, families, and communities in the future. The central voice of former residents at the heart of the Inquiry helped ensure that the process remained human-centred.

The central voice of former residents at the heart of the Inquiry helped ensure that the process remained human-centred.

To support the leadership and involvement of former residents in the Inquiry, and to ensure the commitment to do no further harm was met, the Inquiry worked in collaboration with VOICES. VOICES' membership on the Council of Parties and its partnership was core to the work of the Inquiry. VOICES was resourced during the design process and throughout the Inquiry to play its role. It was not, however, folded into the Inquiry but remained an independent organization. VOICES' distinct role was essential to the process to ensure they maintained their connections with former residents and could bring their knowledge and perspective to the work. It provided an additional mechanism for former residents to gain information and provide input during the Inquiry.

It is important to be clear that placing former residents at the centre of concern within the Inquiry did not mean that the burden of the mandate was theirs to carry. Indeed, the establishment of the Inquiry was a recognition of the public responsibility to reckon with what happened to former residents in the Home, and to take its lessons and apply them to ensure a better future. It was not the former residents' responsibility to carry this work. The mantra "nothing about us, without us" has, though, guided both VOICES and the Inquiry. The Inquiry process has sought to ensure a central place and space for former residents' voices within the process, while being clear that its work is a collective responsibility.

B. Council of Parties

The Inquiry was led by a group of Commissioners appointed by Order-in-Council under the *Public Inquiries Act*. Under that Act, Commissioners have the power and authority of a Supreme Court Judge in civil matters to compel witnesses and the production of evidence. Commissioners also enjoy the same privileges and immunities as Supreme Court Judges.

In accordance with the Inquiry design, reflected in the terms of reference, the Commissioners served together on the Council of Parties which worked collaboratively as the overall governance and decision-making body for the Restorative Inquiry. The Council of Parties ensured the process was implemented and worked according to its guiding principles and was consistent with the mandate and objectives.

The Council of Parties was appointed by the Governor-in-Council (Cabinet) as required by the *Public Inquiries Act*. However, the Commissioners were recommended by those members of the Ujima Design Team who served as an Interim Council of Parties at the beginning of the Inquiry's mandate. This Interim Council of Parties was responsible for the transition to ensure the Inquiry was established consistent with the vision underlying the terms of reference.

The work of the Interim Council of Parties included establishing a framework for Government support that would protect the Inquiry's independence while,

CHAPTER 372 OF THE REVISED STATUTES, 1989
amended 2015, c. 50

An Act Respecting Public Inquiries

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(The table of contents is not part of the statute)

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Short title
1 This Act may be cited as the *Public Inquiries Act*. R.S., c. 372, s. 1.

Inquiry
2 The Governor in Council may whenever he deems it expedient cause inquiry to be made into and concerning any public matter in relation to which the Legislature may make laws. R.S., c. 372, s. 2.

Commissioner
3 In case such inquiry is not regulated by any special law, the Governor in Council may appoint a person or persons as a commissioner or commissioners to inquire into and concerning such matter. R.S., c. 372, s. 3.

Witnesses and evidence
4 The commissioner or commissioners shall have the power of summoning before him or them any persons as witnesses and of requiring them to give evidence on oath orally or in writing, or on solemn affirmation if they are entitled to affirm in civil matters, and to produce such documents and things as the commissioner or commissioners deem requisite to the full investigation of the matters into which he or they are appointed to inquire. R.S., c. 372, s. 4.

Powers, privileges, immunities
5 The commissioner or commissioners shall have the same power to enforce the attendance of persons as witnesses and to compel them to give evidence and produce documents and things as is vested in the Supreme Court or a judge

DECEMBER 18, 2015

at the same time, realizing the Government commitment to resource and support the work. This was accomplished by setting up a Government agency to provide for administrative support and accountability. The Interim Council designed the agency with significant care to ensure the Inquiry would have the scope needed to reflect a different way of working according to its terms of reference. The Interim Council also provided recommendations with respect to membership on the permanent Council of Parties. In doing so, they balanced the need for continuity with the design team to support knowledge transfer about intentions and vision with the need to expand participation and representation. Some members of the design team agreed to continue to serve on the Council of Parties; others agreed to continue to support the work of the Inquiry in other capacities (as staff or advisors).

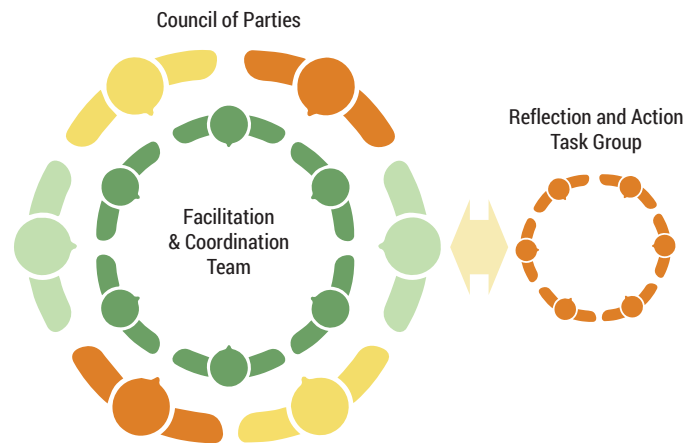
The Interim Council of Parties also prepared the job descriptions and hired initial members of the facilitation and coordination team (described below) to provide support for the work of the Council of Parties.

The Interim Council of Parties thus filled a gap in terms of the work required to move from design (mandate and terms of reference) to operations. This enabled the permanent Council of Parties to begin their work focused more on the substance of the work than on setting up the institutional infrastructure. Although, of course, there remained significant work for the Council of Parties, both initially and throughout the mandate, to discern and ensure operational needs. Indeed, such questions occupied a significant amount of time and attention for the Council of Parties. This is, perhaps, to be expected, given that this is the first time an Inquiry has sought to work restoratively. The Council had to pay close attention to how the Inquiry would work in ways that modelled a restorative approach. This was uncharted ground in many ways, including its implications for the structure of relationship with Government, the approach to deliberation and decision-making within the Council of Parties, and the role and relationship of staff to Council and within the work of the Inquiry.

The work of the Interim Council of Parties was helpful in addressing some of the structural, administrative, and operational issues to facilitate the initial work of the Council of Parties.

As indicated in the Mandate and Terms of Reference the Council of Parties was the mechanism through which the Commissioners would fulfil their duties to direct and lead the Inquiry. The fact that the Commissioners worked collectively through this Council model caused some initial confusion (including by some staff) regarding the role of the Council of Parties. Some initially mistook the Council as similar to a governing board. However, the Council of Parties was not limited in its functions to that of a board. They were similarly charged with the responsibility to oversee and govern the process. However, as Commissioners, they were also responsible for the conduct of the Inquiry. This meant they were directly involved in all aspects of carrying out the work of the Inquiry. This was particularly important because of the restorative approach of this Inquiry. In keeping with this approach, the role of the Commissioners was to ensure the process

to build relationships in support of the learning and understanding needed for planning and action. The Council of Parties, collectively, held the responsibilities of a Commissioner to *conduct* the Inquiry not merely to oversee it. The restorative approach thus required a level of involvement in determining how – the ways in which – the Inquiry would work. It required the Council of Parties to facilitate the process rather than preside over it. They could not fulfil this role operating as a board that left implementation and operations to the discretion of staff, as is sometimes the case in organizations. Instead, staff were to support the direct work of the Council of Parties in leading and facilitating the Inquiry.



As mentioned, the nature and amount of time and support required for the Council of Parties to fulfil this role was significantly more than anticipated in the design and initial implementation phase. One of the important lessons for future inquiries that seek to take a restorative approach is the need to appreciate the different nature of the work for Commissioners in a restorative model and the time and support it requires. As the work of the Inquiry developed, the Council of Parties made adjustments in terms of the initial expectations of time and volume of work. It was also necessary to make substantial changes to the expectations, organization, and makeup of the facilitation and coordination team.

As indicated earlier, the Commissioners were selected for their connections to the parties most central to the work of the Inquiry. Further, the individuals were identified and selected for their willingness and ability to represent and support the engagement of these parties within the work of the Inquiry. Membership on the Council of Parties included former residents, those with connections to the former Board of the Nova Scotia Home for Colored Children, the African Nova Scotian community, and the Government. Commissioners were also selected for their knowledge and experience with the legal system, the African Nova Scotian community, and with knowledge of a restorative approach. There were a few members of the Council who did not complete their full term of appointment. They were replaced by other Commissioners relatively early in the process (for a full list of Commissioners see Appendix A).

The following Commissioners served to the completion of the mandate and have authored this Report (bios are available in Appendix A):

Michael Dull	Legal Expert/Former Resident Counsel
Deborah Emmerson	African Nova Scotian Community Member
Jean Flynn	Nova Scotia Government
George Gray	Member former Board NSHCC/AUBA
Wayn Hamilton	Nova Scotia Government
*Joan Jones	African Nova Scotian Community Member
Jennifer Llewellyn	Restorative Process/Facilitation Expert
Gerald Morrison	Former Resident NSHCC/VOICES
Dean Smith	African Nova Scotian Community/Legal Expert
Tony Smith	Former Resident NSHCC/VOICES
Pamela Williams	Chief Judge Nova Scotia Provincial Court



*At the end of the final phase of planning and action, following the reporting and sharing sessions with community members across the province, the Council of Parties suffered a significant loss with the death of Commissioner Joan Jones. Joan was a leader of the civil rights movement in Nova Scotia (and Canada). Her knowledge, insight, and experience with the child welfare system and the African Nova Scotian community was invaluable to the work of the Inquiry. Her death was an incredible loss for the Inquiry and the province. Her fierce and frank assessment, fuelled by compassion and an appreciation of the complexity of relationships in community and Government, was instructive and inspiring. Her influence continued to guide the work of the Council through to the end of the mandate.

Restorative Principles in Practice

The decision to lead the Inquiry through a Council of Parties reflects restorative principles. The Council was selected to be inclusive of the parties central to the mandate of the Inquiry. They were selected not merely to represent the views of various parties but also to bring these perspectives to bear in supporting the active participation of various parties in the collaborative work of the Inquiry. Commissioners were selected for their relevant knowledge and experience, as well as their capacity to facilitate building relationships between and among various parties. As Commissioners, members of the Council of Parties were responsible to support the restorative approach of the mandate. This means they were not “representatives” in the sense of advancing particular parties’ interests, but rather that they would use their knowledge, understanding, and connections to support collaboration in the collective work of the Inquiry.

The Council of Parties not only reflected restorative principles in its structure, but also in its approach to the form and substance of its meetings and deliberations.

The Council of Parties took a restorative approach to its work, including meetings and decision-making. The Council opted for a shared model of leadership. As required by the Terms of Reference, the Council selected two Commissioners from its members to serve as Co-Chairs. As provided in the Terms of Reference, one Co-Chair was a former resident (Tony Smith), and the other selected by the Council from among its members (Pamela Williams). The Co-Chairs exercised their role as first among equals on the Council. Council members took collective responsibility for the work of the Inquiry. They shared leadership throughout the mandate for the work, including facilitation of processes, planning and preparation for sessions and circles, analysis of information, research, report writing, etc.

The Council used restorative processes in the conduct of its meetings to ensure inclusive and participatory discussion and decision-making that promoted the development of relationships and understanding among members and the respective communities/parties they represent.

The Council's meeting and decision-making processes were also guided by restorative principles. The Council used restorative processes in the conduct of its meetings to ensure inclusive and participatory discussion and decision-making that promoted the development of relationships and understanding among members and the respective communities/parties they represent. The Co-Chairs facilitated meetings and the work of the Council restoratively, ensuring all voices and perspectives were heard and considered. All Council members committed to ensuring the guiding principles for the Inquiry were reflected in all its work and throughout the process.

The Council aimed for common agreement regarding its decisions through a consensus-based decision-making model. Before a decision was made, the co-chairs canvassed Council Members on their views and concerns. Agreement with the proposed decision was tested by inquiring

whether any members could not accept or act in accordance with the decision. If a member(s) indicated a concern, they were asked to elaborate and the council discussed the matter and considered whether the proposed decision should be altered. Agreement was tested again following the same process. If, in the view of the co-chairs, there was still a possibility to seek agreement on the matter, they would repeat the process and turn the issue back to the group to see if it was possible to address the concerns and gain consensus. If, however, in the view of the co-chairs such agreement was not likely after the second test for consensus having tried to address the concerns raised, the co-chairs could, at their discretion, put the matter to a vote in accordance with the agreed voting provisions.

When required, decisions were made according to a majority vote of members present for all matters except the exercise of the subpoena powers, which would require an enhanced majority of 75 per cent of members present, provided the meeting had the requisite number of members for decision-making. Decisions regarding use of the subpoena power were not taken without the Council consulting the view of the judicial member of the Council.

In practice, the Council dedicated significant time and effort to building relationships and understanding among members. The deliberative process required commitment from all parties to hearing and giving serious consideration to different perspectives and concerns. This process deepened the Council's capacity to support similar efforts among parties within Inquiry processes. As a result of this approach, the Council operated almost exclusively by consensus.

Restorative principles also guided the substance of the Council's decision-making. The Council gave serious consideration to the relational impact of its decisions.

Restorative principles also guided the substance of the Council's decision-making. The Council gave serious consideration to the relational impact of its decisions. This was true, as discussed below, for example, in the Council's determination of the central issues that would focus its work. It was also evident in the Council's use of its subpoena powers.

The Restorative Inquiry had all of the power and authority of a traditional inquiry under the *Public Inquiries Act*, including the power to compel witnesses and evidence. The restorative approach of the Inquiry generally relied on the commitment and relationship among the parties to secure the information and participation required to fulfil its mandate. The design team clearly recognized the importance of retaining the power to issue subpoenas if and when needed in support of the process. However, they also recognized the importance of exercising this authority consistent with restorative principles. This meant that the Inquiry did not use this authority as a primary mechanism to facilitate participation. Instead, all of the relationships and connections within the Council of Parties were utilized to seek participation or information needed. Subpoenas were contemplated only in situations where it was not otherwise possible to gain information or participation from individuals, or in situations and circumstances in which individuals would otherwise have been unable to participate or share information without external authority.

The power of subpoena was extremely helpful in clarifying the authority of parties to share information with the Inquiry. The clear fact of this authority resulted in it not having to be exercised often. In fact, the Inquiry issued only two subpoenas during its mandate. Both subpoenas pertained to the same set of records. The Akoma Holdings and Akoma Family Centre that took over the operational licence and assets of the Home retained the Home's historical records. Some of these records at the Akoma site were subject to oversight and authority of the Department of Community Services. To clarify the authority of the Inquiry to these records, and to facilitate safe and secure access during the mandate of the Inquiry, a subpoena was issued for the records to both Akoma/NSHCC and the Department of Community Services.

In this case, the subpoena worked the way in which the design team intended. The subpoenas were used to facilitate collaboration of parties in support of the work of the Inquiry. The parties involved cooperated fully – indeed, they were helpful in facilitating the organization and transfer of the documents to the Inquiry. The Inquiry provided support and preparation prior to issuing the subpoena by contacting parties to explain the nature of the process and the reason for the subpoena.

The Council of Parties was very conscious that their mandate would come to an end and that the work of making a difference would continue long after. Given this reality, the Council approached its work in ways that sought to build commitment and capacity among participants to take up the mandate for change during and after the Inquiry.

The Council of Parties approached its work with parties in this facilitative and collaborative way generally. This approach required significant work in preparation for processes as discussed below. The involvement of the Council of Parties was more than presiding over processes. The Council played a significant role in planning and preparing processes and parties. During the Inquiry processes themselves, Council members took up facilitative and listening/learning roles to support participants to come together to build relationships, to learn and come to understanding one another and the issues in order to plan and act together. The Council of Parties was very conscious that their mandate would come to an end and that the work of making a difference would continue long after. Given this reality, the Council approached its work in ways that sought to build commitment and capacity among participants to take up the mandate for change during and after the Inquiry. This required participants to come into the process and talk to each other, not just to the Commissioners.

The Council of Parties was responsible, then, to make decisions about how best to facilitate and advance this work and to build a foundation for the ongoing work of planning and action. This required the Council of

Parties to listen, learn, and deliberate in order to come to understandings of what happened, and what matters most about what happened. It was then their responsibility to share that knowledge and understanding to support parties within the process to discern what needs to happen next in terms of planning and taking action together.

Members of the Council of Parties facilitated and participated in all of the processes of the Inquiry in order to share knowledge gained from one part of the process to others – connecting

the dots to ensure the integration of knowledge and issues in support of a different way forward.

The support and engagement of parties and participants within the Inquiry was remarkable. Parties welcomed the opportunity created through the Inquiry process to come together in a different way. The facilitated gatherings of the Inquiry enabled participants to step outside the siloed and fragmented ways in which they often understood issues or worked. It established a collaborative and integrative process in which parties could learn, understand, and act differently together.

This level of engagement with the process required significant work for the members of the Council of Parties well beyond the more modest expectations at the outset of the process. The Council of Parties also came to appreciate the intensity of the work required to build trusting relationships and parties' understanding of this different way of working. This factored into the increased volume, breadth, and depth of the work required of the Council of Parties. It also became clear this was not work that could be assigned to staff. The facilitative role of the Council of Parties required their active participation and leadership of the work because *how* the Inquiry worked was central to its mandate and their responsibility to model a different way.

It is significant, in this regard, that the Commissioners on the Council of Parties were not appointed to these positions full-time. The Council of Parties was designed to draw upon parties to come together in support of this work in a largely volunteer way. The idea was that their impact would be greater if they remained actively engaged in their respective roles. There was a recognition, as noted above, that VOICES required resources to play their role as contemplated in the terms of reference. It was also clear there would need to be a Government representative with a mandate to support Government in fulfilling its commitment to participate fully in the Inquiry. Beyond these roles, however, the members of the Council of Parties balanced their role as Commissioners with their other (often) full-time roles and responsibilities. Those not carrying out this responsibility as part of their paid employment were offered a small stipend to off-set expenses and in recognition of their time.

One of the important learnings from the process has been the significant amount of time it takes to work restoratively – in collaborative ways – to facilitate this sort of process. In the end, the commitment required of members of the Council of Parties was substantially greater than anticipated. Over the past almost four years, Council members:

- had evening weekly meetings for four to five hours
- had extended meetings for one to two days approximately every two months (more regularly towards the end of the mandate)
- had additional meetings to plan sessions
- facilitated and attended all of the processes
- sat on the Reflection and Action Task Group (some members as discussed below)

In addition, Council of Parties members shared responsibility to conduct and review research, review all information from various processes, write public reports and presentations, oversee other knowledge-sharing activities, etc.

Members of the Council recognized that this was the first attempt to take a restorative approach to a public inquiry. As such, it was inevitable that there would be unanticipated issues and changes in terms of time and the structure and approach to the work. In many ways, Council learned and addressed such issues as the process developed. Council has gained significant insights regarding the time and resources required to support working in this different way. Some of these lessons are reflected in our consideration of the way ahead in Chapter 7. In general, it is important to ensure the right sort of resources and support (including the time needed) to be able to work in a restorative way.

It would, in hindsight, perhaps have been helpful to have had at least some members of the Council of Parties able to work full- or part-time on the Inquiry. However, such a change should be considered carefully so as to approach it in a way that does not undermine the collective sense of responsibility and action the whole Council felt for the work of the Inquiry. This was one of the significant advantages resulting from the structure of the Council, whereby there were not one or two full-time Commissioners running the process while the rest were part-time or volunteer. There was a sincere sense of shared commitment and responsibility among the Council of Parties.

C. Advisory Group

The Council of Parties was supported by an advisory group drawn from members of the design team and the Interim Council of Parties (see Appendix A). The advisory group provided continuity from vision to implementation of the Inquiry. This was particularly important during the initial stages as the Inquiry constituted itself and considered how to fulfil its mandate. The advisory group played informal, but important, support roles throughout the process. In keeping with the Ujima commitment to collective work and responsibility, they did not end their care and concern for the success of the Inquiry with the release of the mandate and terms of reference or the Inquiry launch. They were a resource for questions, a sounding board as the process developed, and lent support and expertise at various points in the journey of the Inquiry. Advisory Group members were:

- Stephanie MacInnis-Langley (Executive Director, Nova Scotia Advisory Council on the Status of Women)
- David Darrow (retired Deputy Minister to the Premier and Clerk of Executive Council, Province of Nova Scotia)
- Tracy Dorrington-Skinner (former resident of the Home and past Co-Chair of VOICES)
- Tracey Thomas (Office of African Nova Scotian Affairs, Department of Community Culture and Heritage, Province of Nova Scotia)

D. Reflection & Action Task Group

To support the work of the Inquiry, a Reflection and Action Task Group was formed according to the Terms of Reference. The Reflection and Action Task Group included senior leadership from across relevant Government departments, as well as designated members of the Council of Parties. Deputy ministers from the following departments participated on the Reflection and Action Task Group:

- Community Services
- Communities, Culture and Heritage (incl. African Nova Scotian Affairs)
- Education and Early Childhood Development
- Health and Wellness
- Justice
- Labour and Advanced Education

Additionally, senior leadership from the Nova Scotia Health Authority and the IWK Health Centre also participated throughout the course of the mandate of the Inquiry.

The Reflection and Action Task Group was established as a means of supporting Government's commitment and participation in the Inquiry. The mandate of the Inquiry cut across many different Government departments. The restorative approach of the Inquiry required collaboration and integration across Government in order for it to be able to come into the process in a coherent way that allowed work with other parties to build relationships, learn and understand, and plan and act collectively.

The role and responsibilities of the Reflection and Action Task Group were:

- Work in collaboration with Council of Parties to facilitate and ensure active and full involvement and engagement of public and government institutions with the Inquiry.
- Consider findings and recommendations throughout the Inquiry process and make plans for appropriate action and implementation in conjunction with the planning and action stages of the Inquiry.
- Submit reports annually for three years from the start of the Inquiry to the Nova Scotia Legislature on Government participation and action to report progress on advancing objectives/goals and impact of the Inquiry.

The Reflection and Action Task Group also took a restorative approach to its work. It mirrored the phases of the work of the Inquiry, giving careful attention to the work of relationship building (identifying and appreciating the connections to the central issues of the Inquiry), learning and understanding, and undertaking and supporting planning and action in real time throughout

the Inquiry. The Task Group met regularly during the three phases of the Inquiry's work. In addition, members from the Reflection and Action Task Group participated in Inquiry circles and attended additional meetings individually or in groups with members of the Council of Parties to plan and support aspects of the work as needed. It was incredibly helpful to the work of the Inquiry to have the opportunity for deputy ministers to consider the issues across their departments and approach them as a shared Government responsibility. The Task Group was another example of modelling the integrative and holistic approach key to the different way forward the Inquiry sought (see Chapter 6 for full discussion of this approach).

The report schedule for the Task Group was intended to cover the original time period of the Inquiry and ensure the final report would come one year after the Inquiry. In keeping with the intention of the mandate, the Reflection and Action Task Group submitted two Reports to the Legislature over the course of the Restorative Inquiry mandate. The first report was submitted in October 2017, and the second in April 2019. A third, and final report, will be submitted approximately a year after this final Report of the Inquiry is released.

The Task Group's final report will be an opportunity for Government to share its continued work and progress on the actions, plans, commitments, and recommendations outlined in Chapter 7 and, more broadly, on the impact of the Inquiry. The Reports to the Legislature have been an important mechanism to ensure public knowledge and engagement with the work of the Inquiry. The reports were tabled in the House and provided an opportunity for elected representatives from the Government and other parties to reflect and comment on the work of the Inquiry as it proceeded.

E. Parties & Partners

The Reflection and Action Task Group was a mechanism established in the Terms of Reference to contend with the difficulty of engaging the relevant and varied parts of Government in coherent,

As Commissioners of a Public Inquiry, the Council of Parties was not a “partner” with the parties. They maintained their independence as required by their role and responsibilities to facilitate and oversee the Inquiry. The reference to partners was to acknowledge parties who came into the process with a commitment to join in the Journey to Light.

consistent, and collective ways in the work of the Inquiry. While particular attention was paid to supporting the engagement of Government in this way, Government was not the only, or even the most important, partner/party in the work of the Inquiry. Indeed, the Inquiry used the language of “partners” throughout the process to mark the invitation for parties to collaborate closely in the work of the Inquiry. The language of partnership was not intended to signal a relationship with the Council of Parties. As Commissioners of a Public Inquiry, the Council of Parties was not a “partner” with the parties. They maintained their independence as required by their role and responsibilities to facilitate and oversee the Inquiry. The reference to partners was to acknowledge parties who came into the process with a commitment to join in the Journey to Light.

Parties were thus invited to partner with one another and in the work of the Inquiry. This notion of partnership was reflected in the statement of commitment signed by many of the founding parties at the beginning of the Inquiry.

Nova Scotia Home for Colored Children Restorative Inquiry

Statement of Commitment

The Nova Scotia Home for Colored Children Restorative Inquiry will reveal and address part of the harmful legacy of racism in Nova Scotia by examining the Home and the experiences of former residents, as well as the impact on their families and communities.

As we enter the Restorative Inquiry as supportive partners joining in the journey to light, we commit to building strong, healthy, respectful relationships that will help us plan and act together for a more just and equitable future.

We commit to participate in the Nova Scotia Home for Colored Children Restorative Inquiry as full partners.

We acknowledge our collective responsibility for the process and its outcomes.

We recognize that the harms suffered by former residents of the Nova Scotia Home for Colored Children have affected them, their families and their communities for generations.

We commit to seek a common understanding of the abuses that happened at the Nova Scotia Home for Colored Children, including the context and conditions that allowed them to happen, and why this matters for all of us.

We welcome this opportunity to examine how broader systemic issues have affected and continue to affect Nova Scotian communities—especially African Nova Scotian communities.

We commit to be open and transparent as we examine our past in order to seek a better future together.

We commit to supporting this work with our time, resources and energy to the best of our abilities.

We commit our best efforts to do no further harm and leave no one behind.

We acknowledge that we must find better ways of working together.

Other parties partnered in the work of the Inquiry as its work developed throughout the mandate. Those who have played active and committed roles within the process and in the work that flowed from the Inquiry are often referred to as partners. It is, thus, not a formal designation.

Others have also participated in or supported the work of the Inquiry as individuals or in more limited ways that did not reflect this partnership-sort of connection but was nevertheless significant.

It is also important to note that the involvement of Government did not only come through members of the civil service. Elected representatives from all parties were engaged with the work of the Inquiry. The Premier and Ministers with portfolios directly related to the work of the Inquiry were more involved in contributing to the learning and understanding and planning and action phases of the Inquiry. The Premier took responsibility to report on Government's participation in the Inquiry to the Legislature. The Premier and Ministers received information and updates through their deputies on the Reflection and Action Task Group. In addition, Ministers participated in two circle processes with members of the Council of Parties. The Council of Parties also made efforts throughout the mandate to update and engage other elected representatives through presentations and meetings with party caucuses and leaders.

The Inquiry sought to ensure an open and safe environment for all participants. To this end, the Council of Parties took notes at the circles, sessions, and meetings, but did not share or distribute these notes beyond the Inquiry. The Council of Parties also has not published the names of all individuals who participated. This reflects the fact that, while some individuals attended in their official or professional capacity, others came in their personal capacity. To offer some sense of the breadth of involvement in the Inquiry, the following is a list of Government, public institutions, and community-based organizations and agencies represented during the Inquiry.

Provincial Government Departments						
Justice	Health and Wellness	Community Services	Communities, Culture and Heritage	Education and Early Childhood Development	Labour and Advanced Education	Internal Services
Public Safety Correctional Services Court Services Policy, Research and Planning Restorative Initiatives Unit Legal Services	System Strategy and Performance – Mental Health, Primary & Acute Care Client Service and Contract Administration Office of the Chief Medical Officer of Health	Children, Youth & Families Services Employment Support & Income Assistance (ESIA) Disability Support Program Policy, Research & Statistics Housing Service Delivery	African Nova Scotian Affairs Communities & Heritage Policy & Corporate Services Sports & Recreation Communities NS Nova Scotia Archives	Early Years Inclusive Education, Student Services & Equity Programs & Services Policy & System Support	Corporate Policy and Services Branch Higher Education Branch Skills and Learning Branch Strategic Youth Initiatives	Information Access and Privacy

Public Institutions, Agencies & Bodies

- Nova Scotia Human Rights Commission
- RCMP & Halifax Regional Police
- Nova Scotia Office of the Ombudsman
- Halifax Public Libraries
- Nova Scotia Advisory Council on the Status of Women
- Nova Scotia Public Prosecution Service
- Nova Scotia Barristers' Society
- Mi'kmaw Family and Children's Services of Nova Scotia
- Nova Scotia Legal Aid
- Nova Scotia College of Social Workers

Community-Based Organizations & Associations

- Boys & Girls Clubs of Nova Scotia
- AUBA
- In My Own Voice (iMOVE)
- Association of Black Social Workers
- Phoenix
- 902 ManUp
- YMCA of Greater Halifax/Dartmouth
- Nova Scotia Restorative Justice Agencies – Community Justice Society, South Shore, Valley, Tri-County, Cumberland, & Island Community Justice)
- Homebridge Youth Society
- John Howard Society of Nova Scotia
- Black Educators Association
- East Preston Day Care & Family Resource Centre
- Delmore Buddy Daye Learning Institute
- Akoma Family Centre/Akoma Holdings
- Nova Scotia Brotherhood
- Federation of Foster Families of Nova Scotia
- Women's Centre Connect
- Mulgrave Park Caring and Learning Society
- Cape Breton/ Victoria Child Advocacy Society
- Adsum For Women & Children
- Veith House

These entities have been involved in various ways and at different stages of the Inquiry process. For example, some contributed to the learning and understanding phase on a particular issue(s), others were engaged at the planning and action phase of the work in support of the way forward, others have been engaged in order to connect their organization with the work of the Inquiry to ensure its lessons are applied with their mandate and jurisdiction. Others, still, have been closely involved throughout the entire mandate of the Inquiry.

F. Supporting the Inquiry's Work

I. Facilitation & Coordination Team

As indicated earlier in this Chapter, the nature of the work and the resources needed to take a restorative approach to this public inquiry became clearer as the process developed. The nature of the work also shifted during the different phases of the Inquiry. As described in detail in the following sections, the initial phase of the Inquiry was primarily focused on identifying parties' connections to the mandate and building relationships for the work ahead. The next phase of work focused intensely on learning and understanding in order to support the final phase of planning and action. Throughout its mandate, the Inquiry was also responsible for sharing and reporting on the process and its progress. The resources required to support the different activities and the other work of the Inquiry varied depending on the phase of work. These resources included time, expertise and support from Inquiry staff and other professionals.

The Council of Parties did not function as a board commonly does in non-profit or community organizations primarily concerned with governance, direction, and oversight and leaving the operational decisions to a staff team. The importance of the primary role of the Council of Parties in directing and facilitating the work of the Inquiry meant that staff support had to be deployed to work closely and directly with Council members. This required a responsive approach to staffing and an appreciation by staff members, and others supporting the Inquiry, of the unique role of the Council of Parties as Commissioners of a Public Inquiry. It was challenging, during the initial stages, to develop a staffing model adapted to the dynamic and limited term nature of the Inquiry. Sorting out the relationships, roles and responsibilities of staff support required attention from the Council of Parties throughout the mandate as they sought to model this different way of working. Significant effort was also required to equip staff with the knowledge, skills and understanding required to work restoratively, and to do so in the context of a public inquiry. This was expected given this was the first time a restorative approach had been taken to a public inquiry. It was, nevertheless, an added challenge to ensure the resource capacity needed to support parties coming into the process.

The coordination and facilitation team that supported the initial phase of the Inquiry were largely African Nova Scotian. They brought their significant understanding and connections within the community to their work with the Inquiry. This was a significant asset during the relationship-

building phase of work. For some, the connection to the African Nova Scotian community made dealing with the history and experience of former residents at the Home particularly difficult and challenging. We discuss the community's response to the revelations about the experiences of neglect and abuse at the Home in depth in Chapters 4 and 5. We also consider the challenge of systemic racism, and its internalization for the work of change that was a focus of the Inquiry, in Chapter 6. The Inquiry itself was not immune to the legacy of the Home and the impacts of systemic racism in its work.

The structure of the facilitation and coordination team shifted as the work proceeded through the phases. As the Inquiry proceeded and partners became engaged with the work, the Inquiry was able to access operational and other supports from various partners (as detailed in the next section). The support from parties was significant evidence of collaboration. It was also helpful in building a collective and shared sense of responsibility among the parties for the work of the Inquiry. The Council of Parties gained significant insight during the process about the nature of staff and administrative support required to work in this way in future.

A Facilitation and Coordination Team was established at the outset of the first phase of the Inquiry with responsibility to help the Council of Parties to:

- ▶ fulfill the mandate of the RI in day to day operations in accordance with the directions set by the Council of Parties.
- ▶ guide, plan, direct and execute meetings and/or circles processes.
- ▶ ensure that the right parties, stakeholders and individuals are included within the processes.
- ▶ collect and share knowledge between participants and with other RI bodies and provide education to participants and the public.
- ▶ prepare and support participants and ensure health supports are considered within all planning and process activities.

The initial team was organized by distinct roles and responsibilities, including a coordinating director (with responsibility to supervise staff and ensure the staff team works well and fulfills responsibilities and liaises with the Council of Parties); facilitators, briefers/navigators, and knowledge gatherers; researcher; health support; communications; and community liaison. The intention had been for certain staff to take up leadership on the staff team for these areas of work. However, as the work of the Inquiry developed, it became apparent that the staff model envisioned by the design team made it challenging for the staff to support the work in the holistic and integrated ways required. The Inquiry adjusted the staffing model to enable closer operational connection with the Council of Parties and to take a more integrated and flexible approach to staff roles. Most staff shifted from a particular focus area to work as process facilitators taking direction from and supporting the work of the Council of Parties.

II. Other Process Supports

Reflecting the ongoing commitment to the principle of collective work and responsibility, The Inquiry accessed support from experts and resource people beyond its facilitation and coordination team. As mentioned in the last section, Inquiry partners provided invaluable support to the Inquiry. This included, for example, financial administration and information technology support from Government corporate services; human resources advice and support from the Public Service Commission; records management advice and support from the Nova Scotia Archives and the Department of Community Services; data collection project support from the Department of Community Services and Research, Policy and Planning at the Department of Justice; facilitation and coordination support during the planning and action phase from the Restorative Initiatives Unit at the Department of Justice; health supports by Family Service of Eastern Nova Scotia; event planning collaboration with 902 ManUp, iMOVE, and the Nova Scotia Barristers' Society; advice and design services from Communications Nova Scotia; research support from the Nova Scotia Archives; and administrative support, including office and meeting space, from the Nova Scotia Advisory Council on the Status of Women. Notably, all of the support from Government partners was provided at the request of the Inquiry in the spirit of collaboration and with careful attention to maintain the independence of the Inquiry. The Inquiry also engaged individuals for professional support including, for example, copyediting, research, design, filmmaking, creative services/supports, and health supports (see Appendix A for acknowledgement of individual contributions).

The Inquiry also received significant support from national and international experts in the fields of child protection (the history and practice), restorative approach, human services governance, and systemic racism. These individuals provided significant expertise in support of the learning and understanding and the planning and action phases of work, as described in the following sections.

It was not the Inquiry's role to support healing for former residents. However, the experience of the former residents was a central focus of the Inquiry and it was committed to ensure former residents could participate without experiencing further harm. The Inquiry was assisted by VOICES to support participation by former residents who wanted to take part in the Inquiry. VOICES provided advice and support to ensure process design and facilitation would support and honour commitments to former residents. The Inquiry was committed to listening and incorporating first voice/lived experience. To this end, the Inquiry offered several different ways for former residents to connect with and participate, including information sessions, former residents' gatherings, and sharing circles. For example, the Inquiry collaborated with VOICES to host regular "Tea and Talk" sessions for former residents. These sessions provided opportunities for former residents to learn about the progress of the Inquiry, to provide their input, to connect with one another, and to receive information about health supports and strategies to help deal with stress and trauma. The Inquiry also supported two retreats led by VOICES for former residents during the mandate of the Inquiry.

Processes & Activities

As noted in the previous sections, the Inquiry worked in a principle-based and flexible way that was responsive to what we were learning about the issues, the parties, and their relationships throughout the process. In facilitating this work, the Council of Parties undertook a process of learning, reflection, design, and implementation that repeated during each phase and with respect to the various issues before the Inquiry.

I. How the process worked

The Inquiry undertook many different activities and processes in fulfilling its mandate. While these activities and processes took different forms – as appropriate to the phase of work, nature of the issues, or needs of the parties involved – they all reflected the same underlying principles of a restorative approach.

Much of the work took place in restorative circles where participants were brought together by a facilitator (generally a member of the Council of Parties) around a series of focused questions for discussion and reflection to support individual and collective consideration of responsibilities and next steps. Not all of the Restorative Inquiry's work took place in circles, but all of its work was approached restoratively whether in briefings, meetings, deliberations, presentations, research, etc.

The Restorative Inquiry tailored its processes to bring together different groups at different times and for different reasons. The process was responsive to participants and the nature of the issues at stake. This process was principally committed to *doing no further harm*, especially to former residents who have experienced trauma. To that end, these gatherings were approached in a trauma-informed way and largely took place in closed settings to allow participants to share freely and safely. Former residents were welcomed and supported in these processes and could choose the extent of their participation. The sections below expand upon how the Council engaged with participants.

The Council of Parties gathered information through restorative circles and other processes and meetings. This differs from the traditional format of public inquiries that take testimony or submissions from individuals or on behalf of organizations. The Inquiry brought parties together to share important information in ways that could be heard and considered by each other. Indeed, processes were designed specifically to support learning and understanding among those most central to the work ahead. Developing this shared understanding established a firm foundation for the collective planning and action work that marked the final phase of

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the Inquiry and will continue post-Inquiry. The Restorative Inquiry aimed to work in ways that support planning and action in real time and following the Inquiry. This required a shift from traditional inquiry models whereby commissioners collect and consider information and make recommendations to others based on their understanding of the issues. The Restorative Inquiry was committed to sharing information and engaging in a collective process of learning and understanding with parties to support their active participation in discerning the way forward. The Council of Parties took an active role in planning and facilitating these processes and in ensuring that information gained across processes was integrated and shared with parties.

While circles and other processes were central to the work of the Inquiry, it is important to recognize that planning and preparation were key to the success of such processes. The planning and preparation were not only important for the sake of enabling parties to come together. They also made essential contributions to relationship building, developing and deepening learning and understanding, and planning and action. While circle processes were extremely valuable and significant in the work of the Inquiry as opportunities to support parties' collaborative work, it would be a mistake to focus solely on these processes as the work of the Inquiry. Attention should be paid to the context in which and out of which the circles took place. In other words, the circles were a part of the restorative process of the Inquiry, but they should not be taken as the only element or expression of that approach.

Before parties were brought into circle processes, the Council of Parties undertook significant work. They paid close attention to finding the right people, identifying the issues that needed attention, sharing information along the way, designing the right process, preparing people to come to the process, and connecting the outcomes with the next steps in the Inquiry's work. The Council of Parties process work included:

- Identifying the reason and purpose for bringing parties together. The phases of the Inquiry work (as detailed in the next section) shaped the purpose of circles – whether aimed at identifying parties' connections to issues or to one another; sharing knowledge and developing understanding of matters, or developing plans and taking action together.
- Discerning the scope of the session – careful consideration was given to how issues were broken down to support focused and manageable discussion and progress.
- Exploring and identifying the groups or individuals that needed to be involved in a process depending upon its purpose and scope.
- Designing the process appropriate to the purpose and issue(s). This included careful consideration of who facilitated the session and how it would be facilitated, where it would be held, the format and other logistical issues.
- Preparing participants, including sharing background information about the Restorative Inquiry and the purpose and nature of the process. The Council also prepared background

information for participants specific to the focus of the process they were attending. This background was an opportunity to share information and understanding of issues emerging through the process. This enabled participants to come prepared to reflect on, question, correct, or add understanding to the body of knowledge being developed through the Inquiry.

- Following up from the process. Council always reflected on the experience of the process for participants to deepen understanding of the needs and relationships between and among parties in the process.
- Reviewing notes from each session to integrate the knowledge and understanding from one process with others to deepen overall learning and understanding. The Council considered how this learning and understanding should influence analysis of the issues and the next steps in the work, including further issues that emerged from sessions, information and knowledge to be shared with others, and implications for planning and action work.

In all this work, the Council of Parties worked collaboratively with partners to gather required information to support its plan and preparation of sessions. In the process, Council built stronger relationships, understanding, and commitment among partners to the work of the Inquiry.

II. Examples of Processes & Activities

The Council of Parties' carefully designed and planned sessions and circles did not employ a ready-made approach to process models. That said, the Council developed an approach to circle processes for certain purposes throughout the process. As described in the last section, each of these circles was planned and prepared according to the parties and issues at stake. Nevertheless, different sorts of circles were used during the Inquiry and, as discussed in the next section of this chapter, some were employed more during certain phases of the Inquiry.

- ▶ **Former Residents' Sharing Circles** – These circles brought together former residents to share their experiences to ground and inform the work of the Inquiry in exploring the history and experience of the Home. While there were sharing circles with former residents throughout the Inquiry process, there was a concerted effort to hold such circles at the outset. This timing ensured their experiences were foundational to the work. It was also important to connect with former residents who wanted to be engaged with the Inquiry early in its mandate. These circles focused on understanding former residents' experiences and the impacts from their time at the Home. In the initial phase of the Inquiry, several such circles were held focused on the following themes: family and community, caregivers, education, and justice. In preparation for the sharing circles, former residents were given sets of questions they might think about in advance. Former residents did not have to prepare anything for the circles. Circles were facilitated to enable residents to share what was most

Former Residents' Sharing Circles – Reflection Questions

FAMILY AND COMMUNITY

Who were the people you counted on most in your life?

Where are the places you have fondest memories?

What was difficult about those relationships?

If you could go back and give advice to the people around you, what would it be?

CAREGIVERS

Who was responsible for your care outside your family?
(*This could include social workers, Home staff, foster parents, health-care workers, and others.*)

How did you feel about them then and now?

What were the best experiences you had with them?

What were the hardest experiences?

What do you wish had been different?

EDUCATION

What are your memories of school during your time at the Home?

Did you have someone at school you could turn to for support? If so, who was it?

What was the best part of your school experience?
What was the worst?

Did you feel you could learn and succeed at school?
Why or why not?

What would have helped?

JUSTICE

Do you have any memories of police visiting or being involved with the Home during your time there? Did you ever speak with police or other authorities about anything that happened to you? Why or why not?

Was anything helpful about your experiences?
Was anything harmful?

If you have had any involvement with the justice system, did you have support through your experience?
(*For example, a lawyer, Victims Services, or others.*)

How clearly did you understand what was happening?

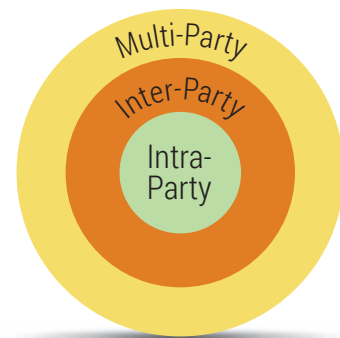
What do you wish had been different? What would you change?

important for them. They were not required to speak to all or any of the themes if they did not wish. These sharing circles were not the only mechanism for the Inquiry to learn about the experiences of former residents. As discussed further in the following section, many former residents shared transcripts from their statements in the settlement processes in which they discussed their experiences at the Home and since. In addition, the Inquiry conducted research, including reviewing former resident case files and other documentation related to the experience and treatment of former residents. However, the first voice of former residents within the Inquiry process was very important and grounded much of the work of parties throughout the Inquiry.

► **Partner Circles** – Partner circles were generally held during the initial phase of the Inquiry (although, as new partners were identified in relation to emerging issues, this type of process was used as needed). These circles were used to support reflection by individual partners/parties or among several partners about their connection to the Home and the central issues related that continue to be important.

These partner circles supported the Inquiry process in multiple ways: they broadened the notion of engagement of partners (parties) in the work of the Inquiry; deepened collective learning of Government participants; strengthened relationships necessary for anticipated action; and informed Council's understanding and identification of the central issues for further examination and action.

- ▶ **Relationship-Building Circles** — As the Inquiry developed a shared understanding among parties/partners about their connection and relationship to the history and experience of the Home, and to the central issues of the Inquiry, the need to consider and address some of the relationships between and among parties became clear. Bringing together parties to consider their relationship to the past and to each other in terms of the future was essential to support learning and understanding and to undertake the collective work of planning and action. Some of these processes brought together two parties, and others, multiple parties to understand and address the significance of their relationships to the way forward. To offer a few examples, processes brought together former residents and members from the African Nova Scotian community closely connected to the Home, members of the former Home Board and members of the African United Baptist Association (AUBA), members of the RCMP and former residents, AUBA members and members of the African Nova Scotian community.
- ▶ **Knowledge Sharing Circles** — Circles were also held for the purpose of sharing and reflecting on knowledge from the perspective of different parties or participants. These circles brought to light different perspectives on the history and experience of the Home in order to identify and understand connections, issues, and lessons from the Home. They also provided opportunities to share knowledge gained through the Inquiry among parties to advance their learning and understanding in preparation for further work. These circles also helped identify the issues and relationships that matter most in relation to the mandate of the Inquiry. They happened at all levels: intra-, inter-, and multi-party.
- ▶ **Issue Dialogues Circles** — This type of circle was focused on deepening understanding related to the central issues (described below in detail) identified by the Inquiry following the initial stage of the learning and understanding phase of work. These processes supported understanding and identification elements in the way forward to address these issues. They involved different parties, depending on the nature of the issue,



and happened at all different levels (intra-, inter-, and multi-party) during the second part of the learning and understanding phase. They were also an important mechanism to build relationships, understanding, and shared commitment for collective action among parties and participants key to the success of planning and action on these issues.

► **Planning & Action Processes** – Circles and other restoratively designed processes (including workshops and working groups, etc.) were used to support parties in coming together to consider the way forward to make a difference in light of what was learned about the central issues. The Council supported these efforts by identifying items for planning and action and facilitating parties to come together to determine how they might work together to make the difference needed. Where possible, parties engaged in planning and action within these processes, and will continue this work together following the end of the Inquiry. To this end, the Inquiry made efforts to work with parties that will continue to be responsible for the commitments, plans, and actions at stake in order to build capacity for further action. These processes were also important as a mechanism to invite parties to consider and determine commitments to one another. The Inquiry also convened processes to address issues identified as important through the process but for which parties had not yet come together to develop a plan for action. The Inquiry shared recommended directions and actions on these issues based on the work within the process (as outlined in Chapter 7). Parties provided input and ideas regarding these recommendations and began to consider how they might prepare to work with others to plan for action.

Stages & Phases of the Inquiry

As discussed in the previous sections, the Inquiry has engaged in different stages of work throughout the process. The three stages of activity were:

- Gathering Knowledge
- Analyzing (Making Sense Of) Knowledge
- Outcome – Acting on Knowledge

These stages have not been completely distinct or linear. One stage was not completed before beginning another and there was no bright line by which the activities were separated. Sometimes gathering a piece of knowledge revealed what needed to happen immediately, and that action was undertaken. This was the case, for example, when knowledge made a difference to the way in which people understood an issue and immediately changed their approach to decision-making or practice. These stages of work were also a part of each of the phases of the Inquiry's work. Gathering knowledge and analyzing and acting upon it marked the approach to the work throughout the Inquiry.

The Inquiry process also involved three elements of work related to its overall objectives:

- i) Relationship Building
- ii) Learning and Understanding
- iii) Planning and Action

The elements were core to the work throughout the Inquiry. However, the Inquiry did direct its focus to each of these elements at different phases of the Inquiry. A focus on relationship building was foundational and emphasized during the first phase of the Inquiry process; learning and understanding was emphasized during the second phase; and planning and action were more centrally pursued at the final phase of the Inquiry. In addition to these focused phases of activity, there was an initial period of work to set up the Inquiry and a final period of work focused on sharing and reporting on the process and its outcomes.

The three phases of activity were not isolated or distinct from one another. They were not linear but, rather, layered and cyclical. Each phase built on and continued with the work from the one before. For example, the focus on relationship building in that first phase of work created a foundation for the learning and understanding work during the second phase. Through learning and understanding, the work of relationship building was continued and deepened. The final phase of work focused on planning and action, and through these efforts, learning and understanding and relationship building continued. The phases were important, however,



because they directed efforts and attention of parties and the Inquiry to ensure progress toward the goal of making a difference. The phases were the building blocks of collective responsibility and action.

A. Relationship Building Phase

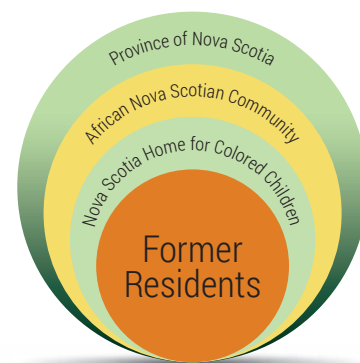
As identified in the Mandate and Terms of Reference, one of the objectives in the Restorative Inquiry was to contribute to building just and respectful relationships. The Restorative Inquiry operated from the conviction that working collaboratively to identify issues, learn, and seek solutions together is an effective and sustainable path toward change that will truly make a difference.

It is important to be clear that the relationship building at which the Inquiry was aimed was not of an individual or interpersonal kind. It was concerned with relationships at the social, structural, and systemic levels.

It is important to be clear that the relationship building at which the Inquiry was aimed was not of an individual or interpersonal kind. It was concerned with relationships at the social, structural, and systemic levels. Of course, building just relationships at social, structural, and systemic levels requires attention and action from individuals. But the focus and efforts on building and changing relationships, and ways of relating through the

Inquiry process, was directed at making a difference at a systemic level.

The work of the Restorative Inquiry was grounded in engagement and empowerment of those most connected to the mandate of the Inquiry – including those affected and responsible – so that they might contribute and collaborate to a different way forward. This was reflected in the design of the process to include former residents, community members, Government partners, and others together at the decision-making level on the Council of Parties. Starting with the former residents at the centre, the Inquiry recognized the network of affected and implicated relationships is complex. This includes for example, how former residents relate to the Home and to the African Nova Scotian community, the role of the NSHCC in the community, and how the community relates to, and is served by, broader public institutions including the provincial Government and other agencies.



As outlined in the Council's first public report (February 2017), the initial phase of the Inquiry's work concentrated on building relationships between and among former Home residents, community partners, and Government and public agencies. The relationship building phase was also focused on supporting parties and participants to explore and understand their relationships to the history

and experience of the Nova Scotia Home for Colored Children. Parties explored their connections and roles with respect to the Home and the issues it raises. They were also supported to consider their relationships to others in connection to this history and the issues concerned.

During the relationship building phase, the Inquiry facilitated 17 different circle process in addition to the community- and Government-engagement sessions held across the province. This phase included the following processes:

- *Former resident sharing circles* (which, as described above, also served as a foundation for learning and understanding).
- *Community engagement sessions* – the Inquiry held 10 information sessions around the province, from Yarmouth to Cape Breton. These sessions made connections with community organizations and considered the connection of the mandate of the Inquiry to broader issues and concerns in the African Nova Scotian community. These initial sessions generally involved those within community organizations and public agencies that provide services to African Nova Scotian communities. Attendees included, for example, regional educators and tutors with the Black Educators Association; principals and school board staff; members of community development associations and other community organizations; church clergy and lay leaders; and others who work and/or volunteer in their African Nova Scotian communities.
- *Government engagement sessions* – general introductory sessions about the mandate, approach, and work of the Inquiry were held for civil servants across Government. Two open sessions were held at the Halifax Public Library. In addition, several meetings were held with executive and management teams in various Government departments prior to the partner circles.
- *Partner circles* – These included circles with individual Government departments and groups of departments; police agencies; former Board members from the Home (including some on the current Akoma Board); the AUBA; and members of the African Nova Scotian community closely connected to the Home. These circles ranged in size up to approximately 25 participants.
- *Lunch & Learns* – Fourteen presentations and dialogue sessions were held at the Inquiry offices open to staff, VOICES, other former residents, and the Council of Parties. The sessions invited presentations on a range of subjects and drew upon knowledge and expertise from the African Nova Scotian community and human and health services related to the work of the Inquiry (contributors listed in Appendix A).

In addition to these processes during this phase and the learning and understanding phase, the Inquiry engaged with African Nova Scotian young people and young people with experience of the care system. These engagements included two youth conferences organized by the Inquiry; school presentations of the play Auntie B, which was written and performed by a former resident; a young writers' workshop with George Elliott Clarke; and circles with African Nova Scotian youth and youth with experience of the care system.

B. Learning & Understanding Phase

I. Learning about the history, experience and impacts of the NSHCC

The Inquiry focused on examining and understanding the causes, contexts, and circumstances of what happened at the Home to develop a deeper common understanding of why it happened and how it matters for the future. To achieve this, the Inquiry divided the learning and understanding phase into two parts. The first part was dedicated to examining the history and experience of the Home in order to identify what matters most, the central issues, and the lessons that need to be considered further for their implications today and into the future.

Knowledge about the Home began to emerge through many of the circles and processes held during the relationship-building phase. The learning and understanding phase brought parties back together and drew in new participants identified during earlier processes. Circles during this part of the process invited participants to reflect on what was known about the history and experience of the Home. They identified their understanding of what mattered most about this history and experience. They also identified what they felt needed to be talked about more and understood more deeply to make a difference for the future.

The former resident sharing circles continued to be essential during this phase. They helped Council and parties understand the most important and central issues related to their experience in the Home. In these circles, former residents were invited to reflect and share what matters most to them about their experiences related to the Home, including within the institution, with their families and communities, and with the broader systems that were meant to care for

them. As noted above, the “system of care” as considered within the Inquiry included child welfare, education, health and justice (including policing), etc. This shift to a more holistic understanding of the system of care is discussed at length in Chapter 6.

As noted above, the “system of care” as considered within the Inquiry included child welfare, education, health and justice (including policing), etc. This shift to a more holistic understanding of the system of care is discussed at length in Chapter 6.

Partner circles with senior leaders in the departments of Community Services, Health and Wellness, and Justice, as well as with Education and Early Childhood Development and Labour and Advanced Education, were also convened during this phase. Participants were able to build on their understandings of where and how the work of their departments connected with the Home and former residents, to consider what current issues require deeper examination. Participants were asked to share what work is already underway in their respective departments that touches on these issues, and where they see opportunities for meaningful change. As an essential part of this work, participants reflected and examined on how systemic racism shows up in the policies and practices – both formal and informal – of their respective departments and agencies.

The Inquiry also held circles with community members and organizations that have historical connections to the Nova Scotia Home for Colored Children, or insights into the context and circumstances in which it operated. This included past members of the Home Board; members of the AUBA, which had a role in the conception and founding of the Home (see detailed in Chapter 3); community elders; and other community members connected to the history of the Home.

II. Research

Significant research aimed at learning more about the history and experience of the Home was conducted during this phase. The Inquiry identified relevant records and other sources of information related to the history of the Home.

The Nova Scotia Home for Colored Children Fonds

The fonds is multi-media, comprising textual (written) records, graphic materials, and architectural and technical drawings, and runs to 81 boxes (nearly 26 linear metres).

Textual records predominate including corporate or governance records (statutes, By-laws, deeds, etc.); Board of Directors minutes and associated records (including Board committees); annual reports; officer, director and superintendent/executive director correspondence; superintendent/ executive director reports to Board; executive director memoranda; management committee and staff meeting minutes; policies, procedures, protocols, standards, and staff orientation manuals; official journals: 1969 onwards; audited financial statements; cash books: 1923–1932; residents' registers; admission registers; visitors' registers; employee case files; school registers; property and facilities management case files; human resources management case files; bequest case files; abuse allegation case files; external evaluation reports; general operational case files (e.g. annual broadcast fundraiser); newspaper clippings; case and subject files; obituaries; "History of the Home" (research materials, documents and working papers); printed ephemera (pamphlets and brochures).

There is also an extensive series of photographic prints and negatives.

It is important to note that, except one in 1928, all Board minutes from 1921 until 1957 are missing. There are scattered Board and annual meeting minutes from 1958 through to 2011.

The Inquiry first conducted an inventory of the Home records retained at the Akoma Family Centre on the previous Home property. The inventory revealed governance, administrative, operational, and former resident case files dating back to the opening of the Home in 1921. As noted above, the Inquiry worked with the Akoma Family Centre and Akoma Holdings Boards and with the Department of Community Services to clarify responsibility over the files and to determine the best arrangement to ensure the Inquiry full and secure access to the files. To facilitate this access, the Inquiry issued a subpoena to the Akoma Boards and the Department of Community Services. To assure the highest level of security more than 1,800 former resident case files were transferred into the custody of the Department of Community Services. The Inquiry had full access to these files for the duration of the mandate.

The Inquiry conducted a review of all of the resident case files. The available data was analyzed to inform an understanding of the resident population. We have provided an overview of some of the data available from those files (see Appendix C). It is important to acknowledge that there are significant gaps in the information available in the files. The lack of information reflects different data collection and file management policies over time. It is also attributable to human error and failure to collect or complete information regarding children and young people in the care of the Home.

While the resident case files and other reports and documents related to the Home offered significant new insights into the experience of former residents, the first voice of former residents was an essential source of information for the Inquiry. The Inquiry heard from former residents through their participation in sharing circles, but also had access to the records generated as part of the litigation and settlement processes related to the Home. The Inquiry reviewed all of the affidavit evidence submitted in support of the class action claim. Former residents were also given the option, at the time of settlement, to share their information with the Inquiry on a confidential basis. Many chose to do so. The Inquiry reviewed the information from those transcripts of former residents from the class action settlement process.

The information from former residents was particularly important for the Inquiry given the gaps in documentation about the experience of former residents within the case files and the Home records. As the review of the history of the Home in Chapter 3 shows, there was evidence indicating significant issues with the care of residents were raised throughout its operations. However, there is scant evidence regarding the first-hand experience of residents. The stories former residents have shared about their experiences in the Home are consistent with the existing documentation. There was also remarkable consistency across former residents' accounts and from generation to generation about their experiences and the nature of the harms and abuse they suffered at the Home.

In addition to the resident case files, the Inquiry took possession of the remaining Home records. The Inquiry also conducted a thorough review of these Home files. In addition to the review of more than 1,800 resident case files, the Inquiry conducted a comprehensive review of 81 boxes of files amounting to over 160,000 pages from the Home files, referred to by researchers as “fonds.”

In addition to the Home fonds, the Inquiry reviewed relevant primary documents related to the Home held at the Nova Scotia Archives, the Esther Clark Wright Archives at Acadia University, the University Archives at Mount Allison University, Department of Community Services, and at Library and Archives Canada (LAC). In addition to these sources, the Inquiry was generously provided access to files of the Late Rev. Fairfax pertaining to the Home and to the Oliver Family fonds. The Inquiry also reviewed relevant historical Government and independent reports related to the Home and all relevant legislation.

The available materials included, for example, annual reports from the Home to the AUBA, reports on the Home by the Superintendent and the Director of Child Welfare, annual appeals by the Home, Board minutes, staff files, newspaper and other media coverage, correspondence, financial records, policy and operational documents, strategic plans, etc.

It is important to acknowledge that there are significant gaps in the available documentation. For example, as we discuss later in the Report, there appears to be almost a wholesale loss of Board minutes from the Home before the 1960s, and the records are spotty until the 1970s. The Home records have not been well maintained in terms of quantity, quality, and orderliness. This is neither surprising nor unusual given the age of the Institution, recordkeeping policies and practices over time, and the challenges of governance and operations at the Home (discussed in detail in Chapter 3).

The Inquiry has also worked closely with the Nova Scotia Archives to secure and preserve the Home files and the historical documents relied upon in this Report within its collection.

The results of this research into the Home and the knowledge gathered regarding the experience of former residents is shared in Chapters 3, 4 and 5.

In addition to a review of original documents and research materials pertaining to the Home, the Inquiry also reviewed existing secondary literature. With a few notable exceptions, the existing literature was generally written for particular purposes (as is the case for *Share & Care: the Story of the Nova Scotia Home for Colored Children*, a book that was commissioned by the Home) and/or depends upon a relatively weak evidentiary basis. The Inquiry was greatly assisted by Dr. Renée Lafferty's consideration of the NSHCC in her book, *The Guardianship of Best Interests: Institutional Care for the Children of the Poor in Halifax 1850–1960*. Dr. Lafferty also generously provided the Inquiry with her original research materials related to the Home.

In support of the learning and understanding phase, in order to provide historical context for the Home, the Inquiry commissioned a submission from Dr. Veronica Strong-Boag on the development of child welfare in Canada as it pertained to the Nova Scotia Home for Colored Children. Dr. Strong-Boag is a fellow of the Royal Society of Canada and professor emerita in UBC's Institute for Gender, Race, Sexuality and Social Justice. She is an award-winning scholar and the leading expert on the history of childhood and of the development of child welfare in Canada. We asked that she prepare her submission on the basis of her research and numerous publications on the subject matter relevant to the Home. These include *Fostering Nation? Canada Confronts its History of Childhood Disadvantage* (2011), *Finding Families, Finding Ourselves: English Canada Encounters Adoption from the 19th Century to the 1990s* (2006). Dr. Strong-Boag's submission was extremely important in helping frame our analysis of the Home contained in Chapter 5.

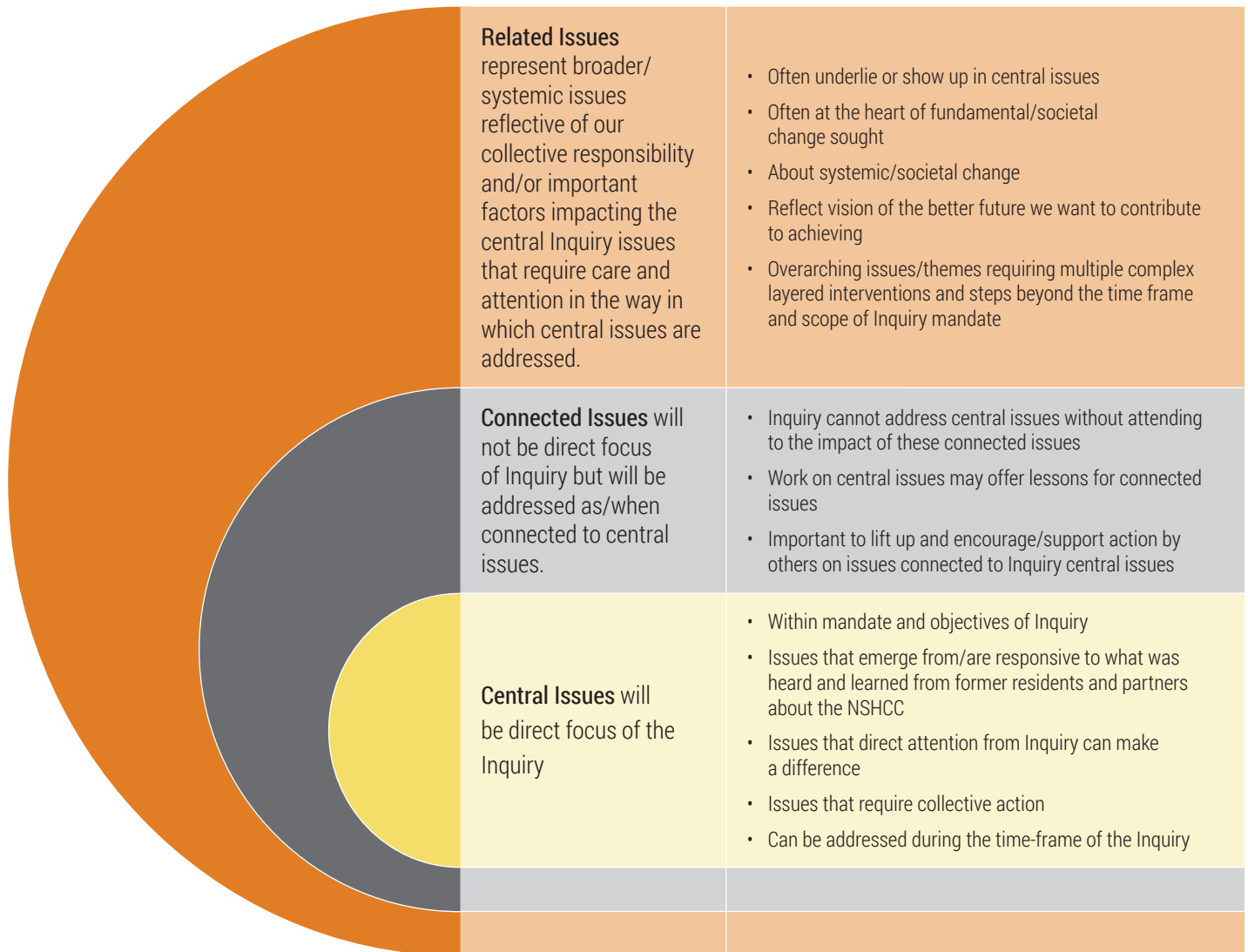
Members of the Council of Parties were directly involved in the research and review of files. They were supported in this work by researchers on staff and at the Nova Scotia Archives and the Department of Community Services. Support was also provided by other archivists throughout the province and in Ottawa.

III. Determining the Central Issues

This research, along with the knowledge gathered through former resident sharing circles, partner circles, and the knowledge-sharing circles, helped Council to identify its central issues. These central issues reflected the understanding of the history of the Home and the lessons it has to offer gained through the Inquiry work to that point. These central issues provided the focus for the Inquiry's work to achieve its mandate.

To determine its central issues, the Council of Parties reviewed the knowledge gathered through the processes and research and identified the wide range of issues that emerged in relation to the history and experience of the Home. The impacts and implications revealed ran wide and deep. The challenge for the Council of Parties was to identify which of these issues mattered most for the parties and was most central to the mandate of the Inquiry. The Council of Parties examined all the issues and sorted them according to those that were *related* to the mandate, those more directly *connected*, and those that were *central* to the mandate. The Council recognized the Inquiry had to focus its time and attention on central issues given the limits of time and resources and its objective to make a tangible difference. However, it was also clear that, in doing so, it must be mindful of the impact and influence of its work on other connected and related issues. Indeed, the Council of Parties explicitly committed to taking these relational impacts into account as it determined how to proceed with its work.

The Council of Parties employed the following criteria in determining the issues the Inquiry would focus on:



The Council determined its efforts to deepen learning and understanding in support of planning and action would focus on three central issues: Responses to institutional abuse (and other failures of care); the experience of children and youth in care (with the care system); and the ongoing and historic impacts of systemic racism on African Nova Scotians. An overview of each issue is provided here, however, the issues are explained and elaborated further throughout this Report. They frame the analysis of the history and experience of the Home and of the way ahead in Chapters 5 and 6.

1. Responses to Institutionalized Abuse (and other failures of care)

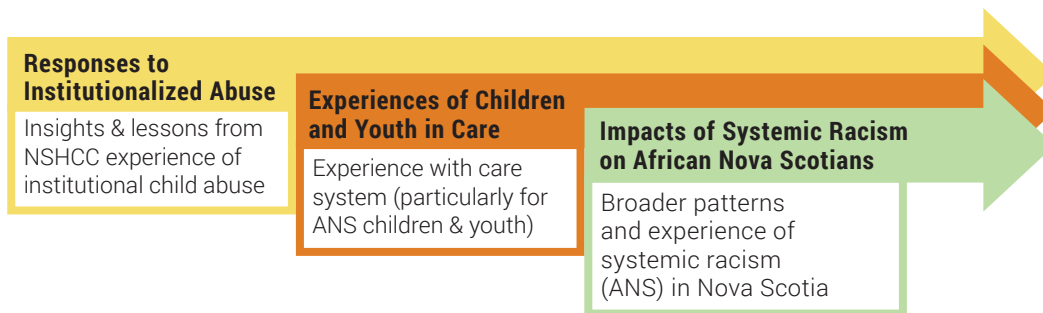
The Inquiry had its genesis in the call to respond to the institutionalized abuse experienced by former residents. Understanding the legacy of the Home requires more than simply knowing what happened to former residents under the Home's care. It requires examining the context in which the Home operated and the ways that people with various levels of connection, authority, and responsibility did (and did not) respond to reported abuses. This includes responses within community and within public agencies, such as the education, child welfare, and justice systems. It also includes examining how former residents' needs and concerns were addressed both as children in care and as adults coming forward to seek justice.

2. Experiences of children and youth in care

As we came to understand the former residents' experience of abuse and consider the responses, it became clear that we must look more broadly at the system and experience of care to understand the harms and abuse former residents experienced. The Restorative Inquiry examined the experience of former residents in the context of the system of care and considered what perspective that offered on the experience of children and youth within the system of care in Nova Scotia today. The Council paid particular (but not exclusive) attention to the experiences of African Nova Scotian children, youth, and families. The system of care here refers to the range of systems, services, agencies, and organizations responsible for meeting the care needs of children and youth, including, but not limited to, child protection, education (including post-secondary education), the justice sector (including policing), health, and the range of community-based supports designed and dedicated to care. This work examined how the relevant systems within Government and community can work better in more collaborative and integrative ways with each other, and with the families and communities they serve, to meet the needs of vulnerable children and youth.

3. Historic and ongoing impacts of systemic racism on African Nova Scotians

As the Mandate of the Inquiry makes clear, addressing the legacy of the Nova Scotia Home for Colored Children requires understanding and reckoning with the historic legacy of systemic racism, as African Nova Scotians have experienced it for generations. Through the lens of the Home and in connection with the central issues of responses to abuse (failures of care) and the system of care, the Inquiry examined the ways that systemic and institutional racism continue to surface in laws, policies, practices, and behaviours – both formal and informal – that have an ongoing harmful effect on African Nova Scotian people and communities. The previous Council of Parties report (Winter 2017) outlined some of what we heard around the province about the ways that systemic racism continues to affect African Nova Scotians, especially in interactions with Government and other public agencies. The Inquiry appreciated how its work is connected and related to a range of issues rooted in systemic racism in Nova Scotia. This knowledge significantly informed the analysis and plans for the way forward contained in Chapter 6. The Inquiry worked with partners to develop a deeper understanding of how systemic and institutional racism continues to impact our system of care, and to contribute in foundational and lasting ways to the work of long-term structural changes needed to create an equitable future.



The central issues fed into and served as catalysts for one another throughout the work of the Inquiry. Examining the context of the Home and the responses to the abuses that happened there informed the understanding of the current system of care. It brought light to the ways that the experiences and issues identified by former residents still require attention within the system of care in Nova Scotia. This prompted a wider consideration of the impact of systemic racism directed toward African Nova Scotians and how this shows up across other systems and institutions. The Inquiry sought to ensure its approach and the actions and plans that emerged from the process would make a contribution toward addressing these wider impacts.

All three central issues were informed and framed by the experience of the Home and the lessons learned, and they all seek to make a difference for the future, yet they differ slightly in temporal focus. The response to institutionalized abuse is focused on examining, understanding, and

learning from the specific experience and response of systems, organizations, and community to the Home in the past, while residents were in the Home, and, later, as they sought redress for the harms they experienced. Examining the experiences of children and youth with the system of care was informed by the experience of former residents but was focused on the present care system and understanding the ways that issues identified by former residents still require attention within the current (and future) system of care. Understanding and addressing historic and ongoing impacts of systemic racism on African Nova Scotians, while necessarily rooted in both past and present experiences, is a critical lens necessary to create meaningful change for the future.

It has been clear throughout the Inquiry, as is reflected in the analysis in this Report, that these issues cannot be understood in isolation from one another. It was sometimes helpful to focus on the issues individually, for example, to identify and bring parties with particular knowledge and responsibilities related to one of the central issues into the process. However, great care was taken to ensure that the integrated and holistic nature of the issues, particularly evident when viewed from the perspective of former residents or current children, young people, and families, was not lost or obscured by the process. To that end, the intersections and connections between and among the issues was given lots of attention in the way in which the processes were designed. This approach and understanding are evident in the integrated nature of the actions, plans, commitments, and recommendations that emerged from the process and are shared in Chapter 7.

IV. Deepening Learning and Understanding

These central issues structured the focus and work during the remainder of the second phase of the Inquiry. The work during this time was focused on deepening learning and understanding of the central issues. The processes considered the implications of the insights and lessons revealed through an examination of the history and experience of the Home for the central issues today. This work helped discern the plans and actions required to address these issues and make a difference for the future.

The second part of the learning and understanding phase 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. The Inquiry continued to convene knowledge-sharing circles during this phase. These circles shared learning and understanding from the Inquiry processes to that point and invited parties' reflections through the lens of the central issues. Circles during this phase were also designed to gather more information and knowledge in targeted ways to deepen understanding of the central issues. The processes engaged individual parties (intra-party circles) and, importantly, brought multiple parties and individuals (multi-party circles) together to share different perspectives and experiences related to the central issues.

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

- 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-serving agencies, mental health services, Federation of Foster Families of Nova Scotia, restorative justice agencies, Halifax Public Libraries, Mi'kmaw Family and Children's Services of Nova Scotia.
- 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 Regional Police, RCMP, Health and Wellness, Nova Scotia Health Authority, IWK Health Centre, 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 AUBA, and other connected community members.

These knowledge circles helped define and refine the central issues. They revealed aspects of the issues that required further attention within the Inquiry to understand the issues more fully and to identify changes and action needed to make a difference. Participants took part in multiple circles focused within or across the central issues. For example:

- ▶ Based on insights from earlier Inquiry processes, it was clear that understanding the experience of young people with the care system required attention to experiences related to the formal child protection system. The Inquiry held processes to explore the experience of young people during care, leaving care, and the circumstances by which young people come into the care of the State.
- ▶ Justice system stakeholders and others were also brought together through multiple processes to consider responses to abuse and failures of care.
- ▶ Sessions also examined (in connection with other issues and independently) the role and impact of systemic racism in each of the central issues.

- ▶ To deepen its understanding of systemic racism and the experience of care, the Council of Parties also held a circle with Mi'kmaw leaders and experts on child welfare and family-led decision-making.

Following such knowledge sharing circles, the Inquiry focused on issue dialogue circles targeted to deepening understanding of each of the central issues. The Inquiry brought together parties and other individuals with specific knowledge or connections to a central issue. This stage of the Inquiry brought new participants into the work alongside others because of their connection and knowledge related to the central issues. These issue dialogue circles played an important role in making connections and building relationships among parties that are important for successful planning and action on these issues. The processes supported parties to understand and to identify elements of the way forward in order to address these issues.

Research continued during this phase. Research focused on the central issues both as a lens through which to analyze the history and experience of the Home and also in order to consider current research and experience dealing with these issues.

The Council of Parties carefully reviewed and considered previous Inquiry and other reports related to the central issues. Among those reviewed were Justice Kaufman's 2002 *Independent Review of Nova Scotia's Response to Reports of Institutional Abuse* (volumes 1 and 2); the Law Commission of Canada's Report *Restoring Dignity, Responding to Child Abuse in Canadian Institutions*; *The Marshall Inquiry: Royal Commission on the Donald Marshall, Jr., Prosecution*; the Report of the Canadian Truth and Reconciliation Commission; the Ontario Human Rights Commission 2018 report *Interrupted Childhoods: Over-representation of Indigenous and Black children in Ontario child welfare*; and the Manitoba Advocate for Children and Youth's Report on the Death of Tina Fontaine.

In conducting research, particular attention was paid to other jurisdictions seeking similarly different ways forward on these issues. Research was undertaken by the Council of Parties with support from Inquiry staff and other experts.

The Inquiry was fortunate in this regard to have access to experts from the Restorative Approach International Learning Community (ILC). This is an international network of researchers and practice leaders supporting jurisdictions taking a restorative approach to building healthy and safe communities. Experts from the ILC were generous with their time and knowledge. They shared relevant and current research related to the central issues. They identified current developments in law, policy, and practices worthy of the Inquiry's attention. Their research and advice provided significant information and evidence that informed the Inquiry's analysis of the central issues and the way forward (see Chapter 6).

This expert support was also available to parties in support of their collective efforts to deepen learning and understanding and plan for action during the mandate of the Inquiry. For example:

- ▶ Researchers and leaders in racial justice from the USA visited with staff and commissioners at the outset of the Inquiry and returned in the final phase of the Inquiry to meet with various parties and make public presentations.
- ▶ Experts on child welfare and family-led decision-making from Australia, New Zealand, the United Kingdom, and the United States offered a workshop at the end of the first phase of the Inquiry's work that was co-hosted by the Inquiry and Department of Community Services.
- ▶ Members of the Council of Parties together with a delegation of those working in child welfare in Nova Scotia participated in a learning exchange with experts in conjunction with an international conference directly related to the central issues.
- ▶ Expertise oral history, history, and history education was offered by partners involved with the Inquiry in the Digital Oral Histories for Reconciliation project (see Chapter 7).
- ▶ Experts in child welfare and human services offered several workshops for parties during the learning and understanding phase and the planning and action phase (detailed below).

A list of experts that supported the work of the Inquiry is provided in Appendix A.

C. Planning & Action Phase

The Inquiry was designed to support action by bringing multiple partners together to establish common understanding of the complexities of the central issues. The relationships, understandings, and commitments developed through the Inquiry are foundational to the way forward toward long-term and sustainable change on the central issues.

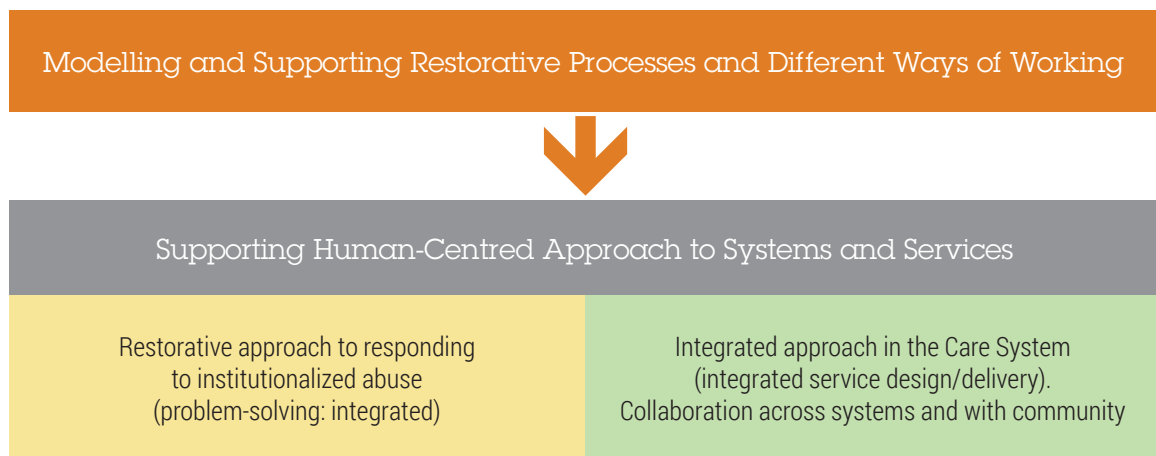
One way the Restorative Inquiry differed significantly from a traditional public inquiry model was its commitment to planning and action within the mandate of the Inquiry. Traditional inquiries typically conclude with a report outlining recommended actions for others to undertake in the future. Throughout the process, the Inquiry 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. During the learning and understanding phase, relevant parties in community and Government engaged with the Council of Parties to identify issues that

Throughout the process, the Inquiry 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.

need to be addressed and the changes needed to make a difference. They then began to plan and take action in response to these challenges.

As detailed in Chapter 7, some action and planning has begun, and parties have made commitments on other issues or initiatives. The Council of Parties also identified recommendations on the basis of Inquiry processes. It is also hoped that other work will emerge as a result of the Inquiry, as partners who have come together through the process sustain their work in identified areas after the formal end of the mandate.

The learning and understanding phase of work revealed an overarching need related to all the central issues to focus planning and action on the need to take a more human-centred approach to systemic issues that have often been addressed in a siloed and fragmented way. As discussed in detail in Chapters 6 and 7 of this Report, the shift to be more human-centred was modelled by the restorative approach of the Inquiry. Work during the planning and action phase of the Inquiry facilitated parties working together to consider what is required to bring about such a shift to make a difference on the central issues. The planning and action phase identified and pursued elements of this shift with respect to the central issues.



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 Inquiry worked 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 Inquiry worked with parties to develop capacity to respond restoratively to institutional abuse in the future.

Throughout the planning and action phase in all these areas, particular focus was placed on understanding and addressing systemic racism and its role and impact.

The Inquiry approached its activities and processes during the planning and action phase with the aim to contribute to the conditions needed for action to continue and plans and commitments to be carried out after the conclusion of the Inquiry. The Inquiry facilitated processes during the planning and action phase in ways that encouraged and supported leadership among the parties involved.

The Inquiry also took the opportunity afforded during the planning and action phase to build capacity for collective action to implement plans. This was particularly true, for example, with respect to the shift in the system of care to be human-centred and the orientation to family-led decision-making as an essential element of that shift. In support of the parties' commitment for action on this front, the Inquiry held expert-led workshops to support the development of the knowledge and skills required for planning and action. The Inquiry facilitated multiple workshops for Government and community partners and others key to this work, including four days of workshops dedicated specifically to family-led decision-making including international experts in research, policy, and practice in the field from the United Kingdom, New Zealand, and the United States.

The planning and action phase of work also included other circles, meetings, and workshops aimed at identifying, planning, and building capacity to take action on the central issues. This phase also supported the implementation of some actions during the mandate of the Inquiry. For example, the Inquiry supported community-convened restorative-based community conversations as part of the way forward during this phase (for more details see Chapter 7). Other elements of the way forward were undertaken and completed as part of this phase of work, including changes to the file access process for former residents and implementation of the Digital Oral Histories for Reconciliation (DOHR) project in two grade 11 classrooms in Nova Scotia. Details of the elements of the way forward determined through the planning and action phase are provided in Chapter 7.

Reporting/Sharing

Throughout the mandate, the Inquiry made regular efforts, with the support of VOICES, to provide information and updates to the former residents. This work was in addition to the engagement of former residents within the Inquiry processes throughout the mandate. As noted above, one of the ways information was shared with former residents was at “Tea & Talk” sessions (28 such sessions were held over the course of the Inquiry). In addition, there were retreats and a final session is planned for former residents prior to the release of this Report.

As discussed above, the Inquiry took seriously its responsibility to be a “public” inquiry both in terms of ensuring the Inquiry was conducted *in the public interest* and the public was engaged with the work throughout. The restorative approach to this Inquiry meant that segments of the public were directly and actively engaged in processes throughout. As described in this Chapter, public representatives, community organizations, groups, and members from the African Nova Scotian community and the broader Nova Scotian community were involved in the Inquiry processes in a variety of ways. In order to encourage and support public involvement, the Inquiry made significant efforts to report on and share its mandate and progress regularly with parties and others with an interest or connection to the work. The Inquiry dedicated a significant amount of time and effort to making such presentations throughout its mandate. Members of the Council of Parties presented at a number of other forums to ensure a broad reach and engagement with the work of the Inquiry. Some of these presentations were arranged and hosted by the Inquiry and others were by invitation to the Council of Parties. These presentations supported wide dissemination and mobilization of the learning and understanding from the Inquiry among parties and others in real time. They also afforded important opportunities to invite participation and engagement of new parties in support of the Inquiry’s mandate along the way. The Council of Parties presented to:

- Party caucus meetings
- Academic conferences related to the central issues
- Community workshops/conferences
- Professional bodies/associations
- Partner organizations
- Schools/universities
- Public presentations
- Community meetings
- National and international delegations/visitors
- Professional/public publications
- Media

By way of example, the Inquiry presented its work at the following events:

- Halifax Regional Municipality Council
- Halifax Regional Municipality Executive Standing Committee
- Halifax Board of Police Commissioners
- Senate of Canada Standing Committee on Legal and Constitutional Affairs
- Justice Canada
- 8th National Conference on Critical Perspectives: Criminology and Criminal Justice – Canadian Criminal Justice Association
- International Restorative Justice Conference: Global Unity and Healing, Vermont, USA
- Roundtable with Federal Minister of Immigration, Refugees and Citizenship
- National Judicial Institute – Judicial Education Conference
- Communities Addressing Suicide Together (CAST) Conference, Nova Scotia Health Authority
- Institute for Research on Public Policy
- National Restorative Justice Symposium
- Nova Scotia Department of Justice Management Team
- Canadian Bar Association
- Reclaiming Social Work Conference, Department of Community Services

In addition to these presentations, the Inquiry made a point of travelling to communities throughout the province at the outset and during the final phase of its work with additional sessions during the mandate. The Inquiry made presentation on its work at over 30 sessions in African Nova Scotian communities. These included members of the Council of Parties travelling to communities across the province in February 2019 in order to report on its work as the planning and action phase was underway and in anticipation of this final report. Reflective of the restorative approach of the Inquiry, the Council of Parties was committed to sharing the learning and understanding and the planning and action underway to support communities and public engagement with the work ahead following the Inquiry.

In addition to sharing the work and the progress of the Inquiry through such processes and presentations, the Inquiry also reported to the general public on its process and learnings during its mandate. As noted at the beginning of this Chapter, the Council of Parties issued three public

reports during its work (February 2017; January 2018; February 2019). These public reports were intended to share the process and substance of the Inquiry's work with the general public. The Council of Parties held press conferences when each report was released as a further way to support public dissemination and understanding.

Finally, this Report shares the totality of the Inquiry's work and the outcomes of the process: what has been learned and understood and the planning and action that has resulted. As part

It is the Inquiry's hope that this Report will serve as a shared resource to support collective understanding and action in the future.

of this final reporting, the Council of Parties has developed a video series (in collaboration with filmmaker Sylvia Hamilton) to share the approach, experience, and impact of the Restorative Inquiry.

The Inquiry also held a public event in March 2019 to explore lessons learned from the experience of the Inquiry about the potential for a restorative approach to address the issue of racial justice. This event brought international expert Margaret Burnham together with local leaders in the field and community to consider the model and work of the Inquiry.

As discussed in Chapter 1, this Report is intended to record and share work within the Inquiry process. This is work that parties have been actively involved and engaged in. While not all parties have been involved in all aspects of the work, and, thus, may not be aware of everything contained in this Report, the substance of the Report should be generally expected, anticipated, and welcomed by parties and participants. The Inquiry also met with many of the parties in advance of its release to share the report approach and contents. These meetings provided another opportunity to engage with parties about the next steps in the way ahead following the end of the Restorative Inquiry process. It is the Inquiry's hope that this Report will serve as a shared resource to support collective understanding and action in the future.

Endnotes:

- ¹ Report of the Working Group of Experts on People of African Descent on its mission to Canada, submitted to Human Rights Council Thirty-sixth session 11–29 September 2017 Agenda item 9. Available online at: <https://ansa.novascotia.ca/sites/default/files/files/report-of-the-working-group-of-experts-on-people-of-african-descent-on-its-mission-to-canada.pdf>
- ² For definition of the Sankofa see: <https://www.uis.edu/africanamericanstudies/students/sankofa/>
- ³ See generally, Ronda Bessner and Susan Lightstone, *Public Inquiries in Canada: Law and Practice* (Carswell Publishing, 2017); J.H. Gomery, "The Pros and Cons of Commissions of Inquiry," (2006) *McGill L.J.*, 51: 783; JE Beer, ed., *Public Inquiries* (Oxford University Press, 2011).
- ⁴ Northern Frontier, Northern Homeland: The Report of the MacKenzie Valley Pipeline Inquiry Vol. 1 available online at: https://www.pwnhc.ca/extras/berger/report/BergerV1_complete_e.pdf and Vol 2 http://publications.gc.ca/collections/collection_2017/bcp-pco/CP32-25-1977-2-eng.pdf. For an analysis of approach to the inquiry see: Kim Stanton, Looking Forward, Looking Back: The Canadian Truth and Reconciliation Commission and the Mackenzie Valley Pipeline Inquiry (2012) 27:1 81–99.
- ⁵ Jennifer Nedelsky, "Embodied Diversity and the Challenges to Law" (1997), 42 *McGill L.J.* 91, at p. 107. vi Renée Lafferty, *The Guardianship of Best Interests: Institutional Care for the Children of the Poor in Halifax 1850–1960* (Montreal: McGill Queens University Press, 2013).