MINISTRY OF CHILDREN AND YOUTH SERVICES

POLICY DIRECTIVE: CW005-17
Collection and Reporting of Identity-Based Data

PURPOSE: The purpose of this policy directive, under s.20.1 of the Child and Family Services Act (CFSA), is to require children’s aid societies (societies) using the Child Protection Information Network (CPIN), to collect, and to report in aggregate to the ministry, identity-based data about the children and youth they serve.

Identity-based data refers to the socio-demographic information about a person including, but not limited to, their race, ethnicity, sexual orientation and gender identity.

ISSUANCE DATE:
The issuance date of the policy directive is December 18, 2017.

EFFECTIVE DATE:
For those societies where CPIN is in use on February 5, 2018, the policy directive will take effect on February 5, 2018.

For societies where CPIN is not in use on February 5, 2018, the policy directive will take effect on the date that an individual society “goes live” on CPIN.

INTRODUCTION:
Promoting the best interests, protection and well-being of children is the paramount purpose of the Child and Family Services Act (CFSA), and additional purposes of the CFSA include the recognition that, wherever possible, services to children and their families should be provided in a manner that respects cultural, religious and regional differences.

Collecting standardized identity-based data consistently from children and youth is one way in which societies and the ministry can better understand who is receiving child protection services and the outcomes for specific groups of children and youth. This information will better support planning across the provincial child welfare system and locally at the level of individual societies.

It will also provide children and youth a voice in how they choose to identify themselves, which will inform child protection workers in their case planning with diverse children, youth and families.

The collection of identity-based data under this directive is not intended to alter or replace societies’ existing data collection practices, including of socio-demographic information, undertaken in providing services to children, youth and families. This includes the collection through third parties or official documentation (e.g. inquiring

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about aspects of a family’s identity at the time of referral, gathering information and records from medical professionals).

GUIDING PRINCIPLES:

The following principles will guide the collection of identity-based data in societies:

- **Responsive Services** - Identity-based data collected under this directive will be used to promote access to child welfare services that is responsive to individuals’ unique needs; improve service experience and the wellbeing for children, youth and families; address any disproportionality or inequity that may exist in the child welfare system; and for service and system planning.

- **Voluntary Participation & Capacity to Consent** – A child or youth is presumed to be capable of consenting to participate in identity-based data collection, unless a child protection worker has reasonable grounds to believe otherwise. Where they are determined to have the capacity to consent, children and youth freely agree to the collection, use, retention and disclosure of their identity-based information for the purposes identified in this directive.

- **Self-Reporting** – Children and youth have the opportunity to describe their own identities, where capable. Data collected is self-reported (or where not possible, reported by a parent), and is not based on staff or third party observation.

- **Confidentiality & Security** – Safeguards are in place to protect the privacy of children and youth and the security of the data collected. Staff involved in the collection, use, retention and disclosure of identity-based data are familiar with applicable privacy policy and related legislation.

- **Child and Youth-centered** - Staff involved in the collection of identity-based data have training on how to collect information in a culturally appropriate and anti-oppressive manner, and do not discriminate against a child or youth based on their identity. Staff should also have sufficient information to respond to questions from children, youth, and families about identity-based data collection and the purposes for the collection of the information.

REQUIREMENTS:

Data Collection

**Who to Collect Data From**

1. **Population of Children and Youth:** Societies will provide all children and youth, who meet the following criteria, with the opportunity to participate in identity-based data collection, provided there is consent (see below):
   a. They are the subject of a child protection investigation, are in receipt of ongoing services, including services to children or youth who are in care;
b. They are in receipt of Continued Care and Support for Youth (CCSY) or Renewed Youth Supports (RYS).

2. **Exclusions:** The policy directive does not apply to children and youth who are:
   a. The subject of a referral about child protection concerns, where the referral disposition chosen is either *community link* or *no direct client contact/information only* in accordance with the Ontario Child Protection Standards (2016);
   b. Siblings or other children and youth living in a foster, kinship service/care, and customary care home with a child or youth who is in care or receiving protection services who are not themselves receiving protection services (or society services).

What Data to Collect:

3. **Identity-Based Data Standard:** Societies will collect identity-based data, with consent, by administering the Identity-based Data Standard (the Data Standard) in its entirety (see Appendix A).

4. **Direct Collection:** Societies will collect identity-based data directly from children and youth (or their parent if the child or youth does not have capacity to consent).

5. **Exceptions:** Societies may make the following exceptions when administering the Data Standard:
   a. Gender Identity: Not required to collect for ages 0-7 years.
   b. Sexual Orientation: Not required to collect for ages 0-7 years.
   c. Marital Status: Not required for ages 0-15 years.
   d. Family Status: Not required for ages 0-12 years.

When to Collect Data

6. **Initial Point of Data Collection:** Societies will first administer the identity-based data standard:
   a. Where a child protection investigation is newly opened following the effective date of this directive, during the investigation, prior to the investigation’s completion; or
   b. Where the case was opened to investigation or ongoing service prior to the effective date of this directive, at the first reasonable opportunity, or at minimum at the first service plan review; or
   c. Where a child was in care prior to the effective date of this directive, at the first reasonable opportunity (e.g. as part of plan of care meetings, as part of conducting the Assessment Action Record, or as part of the youth plan meetings if youth are in receipt of Continued Care and Support for Youth).

7. **Confirming Data Collected at Regular Intervals:** Many aspects of identity can be fluid, and may change over time. Societies will confirm data collected about
children or youth, annually at minimum, at a regular point of contact (e.g. as part of the review of the service plan, plan of care meetings, conducting the Assessment Action Record, or the youth plan meetings if youth are in receipt of Continued Care and Support for Youth).

8. **Updating Identity-Based Data at a Child or Youth’s Request:** At any time, a child or youth for whom identity-based information has been collected under this directive must be given the opportunity to request a correction to their identity-based information.

**Consent**

9. **Capacity to Consent:** A child or youth is presumed to be capable of consenting to participate in identity-based data collection unless a child protection worker has reasonable grounds to believe otherwise. Child protection workers will use their professional judgement to determine whether a child or youth is capable of providing consent given their age, maturity, psychological and developmental state. In determining capacity to consent, workers will consider the following:
   a. Does the person have the ability to understand the information required to make a decision?
   b. Does the person understand what it means to give, withhold or withdraw consent?

10. **Substitute Parental Consent:** If it is determined that a child or youth does not have the capacity to consent, consent will be sought from the child or youth’s parent as defined in s. 3(2) of the CFSA.

11. **Establishing Consent:** In establishing consent, societies will, in a manner that can be understood by the individual (i.e. given their age, literacy level, language):
   a. Outline the purposes of data collection and how information will be used:
      i. to support planning across the provincial child welfare system and locally at the level of individual societies; and
      ii. to inform child protection workers in their case planning with diverse children, youth and families.
   b. Communicate the following about their participation:
      i. It is voluntary. The child or youth can choose to provide certain information and not to provide other information (i.e. they can opt not to respond to any or all questions);
      ii. Should they choose to participate, they can change their mind, or the information provided, at any time;
      iii. Should they choose not to participate, it will not have an impact on the services they receive; and
      iv. Consent applies to identity-based data collection under this directive only (i.e. data collected through administering the Data Standard).
   c. Communicate the following about the information that is collected:
i. The safeguards that the society has in place to protect the child or youth’s privacy and confidentiality;

ii. Information collected will be stored in CPIN, and could be viewable to all society staff, and staff of other societies, that have access to CPIN;

iii. That the information they provide may be disclosed, if relevant, to a court proceeding and where required by law (e.g. under the Family Law Rules) or society policy; and

iv. Should they choose to withdraw their consent, or change their identity information, any information they previously provided will remain in CPIN, but will not be visible to society staff.

d. Communicate the following about reporting:

i. Data reported to the ministry will only be reported in aggregate (i.e. responses will be pooled together). The child or youth will not be identifiable through the data that is reported;

ii. Should they choose to withdraw their consent, their information will no longer be reported to the ministry; and

iii. That other limited information about them (e.g. the type of placement they are in, their court status) will be included in the aggregate reports to the ministry.

e. Provide the title and contact information of an employee at the society who can answer questions and respond to concerns about the identity-based data collection.

12. Reviewing Consent: At subsequent follow-up points (as outlined in requirement 7), societies will determine a child or youth’s capacity to consent, and will re-establish consent at every instance that identity-based data is collected under the policy directive.

13. Withdrawal of Consent: An individual may communicate their withdrawal of consent, at any time, either verbally or in writing. Following their withdrawal of consent, societies will update the identity-based data page on the Identity Tab of the Person Record in CPIN to reflect that consent has been withdrawn at the earliest reasonable opportunity.

Data Management

14. Storage of Identity-based Data: Societies will store all identity-based data collection on the identity-based data page of the Identity Tab of the Person Record in CPIN.

15. Protection of Privacy: Societies will ensure that access, storage and retention of identity-based data is consistent with applicable policies and legal requirements for Societies, including the Information Sharing Guidelines for Children’s Aid Societies (“CASs”) Using CPIN (2014), the CPIN Privacy Procedures (2014) and the Case Information Disclosure Policy (1986).
16. **Accuracy and Corrections:** Societies will have in place a procedure for correcting inaccurate identity-based information, collected under this policy directive, upon the request of the child or youth whose information is inaccurate.

17. **Reporting:** Societies will report aggregate data to the ministry, in a form requested by the ministry. Further information will be communicated at a later date.

18. **Timelines:** Identity-based information will be reported to the ministry on a quarterly basis. Further information on when the first report will be due to the ministry will be communicated at a later date.

19. **Signoff:** Societies should obtain sign-off from their Executive Director and Board President on all reports submitted to the ministry. A signed copy of the report must be sent, to the Director of the Child Welfare Operations Branch, by a time to be specified by the ministry.
APPENDIX A – IDENTITY-BASED DATA STANDARD

The *Identity-based Data Standard* provides standardized questions (data elements) and answers (data values) to support the collection of standardized identity-based data across societies.

The following survey can be used by societies to administer the Identity-based Data Standard with applicable children and youth receiving their services.

<table>
<thead>
<tr>
<th>1) What is your citizenship status? (Check all that apply)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Canadian (by birth)</td>
</tr>
<tr>
<td>☐ Canadian (by naturalization)</td>
</tr>
<tr>
<td>☐ Another citizenship (please specify): ____________________</td>
</tr>
<tr>
<td>☐ Do not know</td>
</tr>
<tr>
<td>☐ Prefer not to answer</td>
</tr>
</tbody>
</table>

*Note: These data elements are aligned with the 2016 Census, long form (National Household Survey, Statistics Canada).*

<table>
<thead>
<tr>
<th>2) Do you identify yourself as an Aboriginal person, that is, First Nations, Métis or Inuit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>If you identify yourself as an Aboriginal person, are you: (Check all that apply)</td>
</tr>
<tr>
<td>☐ First Nations</td>
</tr>
<tr>
<td>☐ Métis</td>
</tr>
<tr>
<td>☐ Inuit</td>
</tr>
<tr>
<td>☐ Another Aboriginal identity (please specify): _____________________________________________</td>
</tr>
<tr>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Do not know</td>
</tr>
<tr>
<td>☐ Prefer not to answer</td>
</tr>
</tbody>
</table>

*Note: This data element has been incorporated from the Aboriginal Self-Identification Data Standard (Ministry of Indigenous Relations and Reconciliation).*

A *note about terminology*: To ensure our data is precise and consistent, we follow the definition of the Aboriginal identity variable used by Statistics Canada for population-based surveys such as the Census, the Aboriginal Peoples Survey, and the Canadian Community Health Survey. Therefore, we use the term “Aboriginal” rather than “Indigenous” throughout this document and in our analysis when referring to specific statistical categories that use this variable.

<table>
<thead>
<tr>
<th>3) Where were you born? Specify one response only, according to present boundaries.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Born in Canada (please specify Canadian province / territory): _____________________</td>
</tr>
<tr>
<td>☐ Born outside Canada (please specify country):____________________________________</td>
</tr>
<tr>
<td>☐ Do not know</td>
</tr>
<tr>
<td>☐ Prefer not to answer</td>
</tr>
</tbody>
</table>

*Note: These data elements are aligned with 2016 Census, long form (National Household Survey, Statistics Canada).*
4) Which racial group do you identify with? (Check all that apply)
- White (European Descent)
- Black (African or Afro-Caribbean Descent / African-Canadian)
- Middle Eastern (Arab, Persian or West Asian Descent, e.g. Afghani, Turk, Kurd)
- South Asian (Indian Subcontinent Descent, e.g. Indian, Pakistani, Bangladeshi)
- East Asian (Chinese, Korean, Japanese, Indonesian, Filipino, Vietnamese and other southeastern Asian Descent)
- Latino (Latin American or Hispanic Descent)
- Another racial identity (please specify): ______________________
- Do not know
- Prefer not to answer

5) What is your ethnic or cultural origin? (Check all that apply)
- Please specify: ______________________
  (For example, Canadian, English, Chinese, French, East Indian, Italian, German, Scottish, Cree, Mi’kmaq, Salish, Métis, Inuit, Filipino, Irish, Dutch, Ukrainian, Polish, Portuguese, Vietnamese, Korean, Jamaican, Greek, Iranian, Lebanese, Mexican, Somali, Colombian etc.)
- Do not know
- Prefer not to answer

6) Do you identify yourself with any religion or spiritual affiliation? (Check all that apply)
- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- Traditional Indigenous Spirituality
- No religious affiliation
- Another religion or spiritual affiliation (please specify): ______________________
- Do not know
- Prefer not to answer

Note: These data elements are aligned with the 2011 National Household Survey and related analytical products (Statistics Canada) and recognized religious and spiritual beliefs within the meaning of religion under the Ontario Human Right’s Code.

1 The Ontario Human Rights Commission defines “Indigenous Spirituality” as the spiritual beliefs and practices that Indigenous peoples identify as being “traditional” or “customary” among Indigenous peoples. This may sometimes include and be practiced in combination with other faith traditions, such as Christianity.
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7) What language(s) did you first learn at home in childhood and still understand? (Check all that apply)

☐ English
☐ French
☐ Indigenous Language

If you identify yourself as speaking an Indigenous language(s), please specify (check all that apply):
- Algonquian languages (e.g. Cree languages, Anishinaabemowin / Ojibway, Oji-Cree, Innu / Montagnais, Mi'kmaq, Atikamekw, Blackfoot)
  ☐ Ojibway
  ☐ Oji-Cree
  ☐ Cree languages
  ☐ Innu/Montagnais
  ☐ Mi'kmaq
  ☐ Atikamekw
  ☐ Blackfoot
- Inuit languages (e.g. Inuktitut)
  ☐ Inuktitut
- Michif
- Athapaskan languages (e.g. Dene, Tlicho, Slavey, Carrier)
  ☐ Dene
  ☐ Tlicho
  ☐ Slavey
  ☐ Carrier
- Haida
- Iroquoian languages (e.g. Mohawk)
  ☐ Mohawk
  ☐ Oneida
  ☐ Onondaga
  ☐ Seneca
  ☐ Cayuga
  ☐ Tuscarora
- Kutenai
- Salish languages (e.g. Shuswap [Secwepemc'], Halkomelem)
  ☐ Shuswap [Secwepemc']
  ☐ Halkomelem
- Siouan languages (e.g. Stoney, Dakota)
  ☐ Stoney
  ☐ Dakota
☐ Tlingit
Tsimshian languages (e.g. Gitksan, Nisga’a)
  ☐ Gitksan
  ☐ Nisga’a
Wakashan languages (Kwakiutl [Kwak’wala], Nootka [Nuu-chah-nulth])
  ☐ Kwakiutl [Kwak’wala]
  ☐ Nootka [Nuu-chah-nulth]
☐ Another Indigenous language (please specify): ______________________

☐ Another language (please specify): ______________________

If any other language(s) were first learned at home in childhood and are still understood, please specify (check all that apply):
  ☐ Arabic
  ☐ Cantonese
  ☐ Chinese (not otherwise specified)
  ☐ Dutch
  ☐ German
  ☐ Greek
  ☐ Gujarati
  ☐ Hindi
  ☐ Italian
  ☐ Korean
  ☐ Mandarin
  ☐ Persian
  ☐ Polish
  ☐ Portuguese
  ☐ Punjabi
  ☐ Russian
  ☐ Spanish
  ☐ Tagalog
  ☐ Tamil
  ☐ Ukrainian
  ☐ Urdu
  ☐ Vietnamese
  ☐ Another language (please specify): ______________________

☐ Do not know
☐ Prefer not to answer

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Note: These data elements are aligned with the 2011 National Household Survey and related analytical products (Statistics Canada). A supplementary list of Indigenous languages has been included.

8) What is your year of birth?
   ☐ Year: ______________________
   ☐ Do not know
   ☐ Prefer not to answer

9) What is your sex at birth?
   ☐ Female
   ☐ Male
   ☐ Intersex*
   ☐ Do not know
   ☐ Prefer not to answer

Note: These data elements are aligned with 2016 Census, long form (National Household Survey, Statistics Canada). *This data element is included based on accepted academic and community practice.

10) What is your current lived gender identity? (Check all that apply)
    ☐ Woman / Girl
    ☐ Man / Boy
    ☐ Transgender
    ☐ Transgender Woman / Girl
    ☐ Transgender Man / Boy
    ☐ Gender Non-Conforming
    ☐ Two-Spirit
    ☐ Another gender identity (please specify): ______________________
    ☐ Do not know
    ☐ Prefer not to answer

Note: Gender identity is an Ontario Human Rights Code ground. These data elements are aligned with terminology used in the Ontario Human Rights Commission’s Policy on preventing discrimination because of gender identity and gender expression.

2 The Ontario Human Rights Code does not define “gender”. The Ontario Human Rights Commission does not provide a list of genders, but does give comprehensive definitions of both “gender identity” and “gender expression”. The term “gender non-conforming” is included in these definitions.
3 The Ontario Human Rights Code does not define “trans / transgender”. The Ontario Human Rights Commission provides a comprehensive definition of the term, stating that it is an “is an umbrella term referring to people with diverse gender identities and expressions that differ from stereotypical gender norms”.
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11) What is your sexual orientation\(^4\)? (Check all that apply)
- ☐ Heterosexual
- ☐ LGBTQ
- ☐ Another sexual orientation (please specify): ______________________
- ☐ Do not know
- ☐ Prefer not to answer

*Note:* These data elements are aligned with related Ontario Human Rights Commission resources, accepted academic and community practice.

12) What is your marital status?
- ☐ Single (never legally married)
- ☐ Legally married (and not separated)
- ☐ Separated, but still legally married
- ☐ Divorced
- ☐ Widowed
- ☐ Common-law
- ☐ Another marital status (please specify): ______________________
- ☐ Do not know
- ☐ Prefer not to answer

*Note:* These data elements are aligned with the 2016 Census, long form (National Household Survey, Statistics Canada). Common-law included as this is a separate question in the Census.

13) What is your family status\(^5\)?
- ☐ Single parent
- ☐ Two parents
- ☐ Another family status (please specify): ______________________
- ☐ Do not know
- ☐ Prefer not to answer

*Note:* These data elements are aligned with the Statistics Canada’s definition of family status.

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\(^4\) The Ontario Human Rights Code does not define “sexual orientation”. The Ontario Human Right Commission provides a comprehensive definition of the term, as well as lists the sexual orientations of lesbian, gay, bisexual and heterosexual. “Trans / transgender” has not been included in the definitions for sexual orientation, in alignment with the Ontario Human Rights Commission definition of the term. * The terms asexual, two-spirit, and queer have been added to this list based on accepted academic and community practice, and on the youth sub-populations identified in Stepping Up.

\(^5\) The Ontario Human Rights Commission defines ‘Family Status’ as “the status of being in a parent and child relationship.” This can also mean a parent and child “type” of relationship, embracing a range of circumstances without blood or adoptive ties but with similar relationships of care, responsibility and commitment.

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<table>
<thead>
<tr>
<th>14) Do you identify as a person with one or more disabilities?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes</td>
</tr>
<tr>
<td>☐ No</td>
</tr>
<tr>
<td>☐ Do not know</td>
</tr>
<tr>
<td>☐ Prefer not to answer</td>
</tr>
</tbody>
</table>

*Note: These data elements are aligned with Statistics Canada 2012 Canadian Survey on Disability.*

<table>
<thead>
<tr>
<th>15) What is your postal code?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Postal code (primary place of residence/address)</td>
</tr>
<tr>
<td>☐ Another place of residence (please specify): ____________</td>
</tr>
<tr>
<td>☐ Do not know</td>
</tr>
<tr>
<td>☐ Prefer not to answer</td>
</tr>
</tbody>
</table>