

Independent Assessment Process Oversight Committee

Meeting of August 30, 2016

Toronto ON

MINUTES

Members present

Mayo Moran	Chair
Les Carpenter	Inuit representative
Karen Cuddy	Government of Canada representative
Paul Favel	Assembly of First Nations representative (by telephone)
Mitch Holash	Church representative
David Iverson	Church representative
David Paterson	Claimant counsel representative
Tara Shannon	Government of Canada representative
Diane Soroka	Claimant counsel representative

Also present

Stacey Lambert	Senior Policy and Strategic Advisor, IRSAS (recorder)
Rodger Linka	Deputy Chief Adjudicator; Chair, Technical Subcommittee (for item 1 only)
Daniel Shapiro	Chief Adjudicator
Shelley Trevethan	Executive Director, IRSAS

1. Technical Subcommittee Report

Rodger Linka reported on the meeting of the Technical Subcommittee (TSC), held on August 29, 2016.

Student on Student Admissions

Canada reported that there are 447 active claims in the Student on Student Admissions project, 38 of which are Priority 1 claims. Throughout September and October, Canada and the Secretariat anticipate approximately 47 new decisions, which are expected to create another 7 admissions. Priority 1 claims are anticipated to be complete by the end of September, 2016. No further blanket extensions were considered to the adjournment date, which will remain as September 30, 2016. Further adjournments will be considered on a case-by-case basis.

Canada has begun a case-by-case analysis of all remaining claims to determine whether there will be further admissions affecting a claim. Where no further admissions are expected, Canada's reps and adjudicators are notified so that the claim can be resolved.

Canada would provide their final analysis of their research of the schools on September 30th, 2016.

Diane Soroka noted recent correspondence received from counsel Fay Brunning regarding the use of the Cochrane civil litigation documents to create admissions. Karen Cuddy noted that this matter is currently subject to a Request for Direction before the courts, and Canada is considering its position.

2. Approval of Minutes

The committee approved the minutes of the June 21, 2016 Oversight Committee meeting with minor amendments.

3. Key Performance Indicators

Shelley Trevethan reviewed performance indicators as of July 22, 2016:

- 38,094 applications have been received.
- 33,760 claims have been admitted to date, with 14 claims awaiting an admissions decision (excluding lost or deceased claims).
- 4,203 (11%) claims have been non-admitted to date (up 207 from May). The large increase since May is due to some lost and deceased claimants who have now been non-admitted through Chief Adjudicator's Directive 11.
- 35,394 claims (93%) have been resolved to date.
- 2,700 claims (7%) remain in progress.
 - 1,325 are post-hearing (down over 200 from May). Chief Adjudicator's re-assignment of slow-moving files combined with the low number of hearings (that normally take adjudicator time) has resulted in post-hearing file movement.
 - 1,375 are unheard – of these, it is estimated that 59 may move to hearing and 1,302 may resolve without a hearing (e.g., deceased, lost claimants, withdrawals).
- The postponement rate is at 25%. Due to low file flow, hearings are re-scheduled quickly.
- The median Adjudicator decision writing time for standard track regular form decisions is down to 38 days, from 40 in May 2016.
- Post hearing files are declining, with the Chief Adjudicator and Secretariat staff involved in post-hearing file management with adjudicators.
- Awards and settlements (excluding NSP, legal fees and disbursements) sits at \$2.049B, with overall compensation amounts at \$3.013B.
 - Average awards (not including disbursements or legal fees) over time: \$72,510 in 2008; \$99,817 in 2010; \$86,558 in 2016.

- 1,006 (37%) of the claims in progress are self-represented. Only 60 (6%) of these are actively participating in the hearing process, 6% are post-hearing, and 88% are non-active (e.g., estate, deceased, lost claimant, in IFR, withdrawal).
- Post-review decisions are decreasing - 65 reviews in progress (down from 73 in May); 14 re-reviews in progress (down from 25 in May).
- 502 legal fee rulings (down from 605 in May).
- 17 legal fee appeals (up from 10 in May).

4. Executive Director's Report

Targeted Approaches

- 31 claims are in the Jurisdictional Review process (down from 41 in May), 12 of which are on hold due to the administrative split issue.
- Claimants Struggling to Self-Represent is at 2 (unchanged from May).
- 4 claims are non-responsive self-represented claimants (up from 2 in May).
- There are 102 estate claims (down from 116 in May), and 76 pre-hearing deceased claims (down substantially from 267 in May).
- 281 claims are currently in the Lost Claimant Protocol (down from 335 in May). Starting to move into IFR.
 - RCMP have begun supplying information for Step 3 of the Lost Claimant Protocol.
 - Overall, 361 claimants have been located.
- 1 claim has seen a withdrawal of Claimant Counsel (down from 3 in May).
- More files are moving through Incomplete File Resolution, with 369 claims in IFR Step 1; 103 in progress in Step 2; 204 pending a Resolution direction (up from 94 in May; some on hold for estates and jurisdictional determinations)
 - Will receive more clarification on estates and the IFR once jurisdictional and Administrator issues are resolved.

IAP Final Report

- Shelley provided an update on the status of the IAP final report, including the interviews and focus groups conducted.
- Shelley showed a series of pictures taken at various sessions where interviews/focus groups were conducted with claimants and stakeholders.

5. Update on Administrative Split

Tara Shannon reported that a decision is still pending from the Minister of Indigenous and Northern Affairs Canada regarding the administrative split claims. The Oversight Committee noted that it is important to make a decision on the administrative split

issue as it may have a significant effect on whether we will be able to deliver on the timeline provided to the Courts on the completion of the IAP.

6. Update on Estates

Tara Shannon provided an update on Canada's progress on identifying claims that fall within Canada's jurisdiction. It was noted that it is important to resolve these claims since it is impacting on the timeline provided to the Courts on the completion of the IAP.

7. Next meeting

The next Oversight Committee meeting is currently scheduled for Tuesday, November 8, 2016 in Vancouver, British Columbia.