

Select Standing Committee on Children and Youth

*Annual Report
2010-11*



NOVEMBER 2011



November 21, 2011

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the *Annual Report 2010-11* of the Select Standing Committee on Children and Youth.

The Report covers the work of this Committee from November 8, 2010 to November 3, 2011.

Respectfully submitted,

Joan McIntyre, MLA
Chair

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Composition of the Committee

Members

Joan McIntyre, MLA	Chair	West Vancouver-Sea to Sky
Claire Trevena, MLA	Deputy Chair	North Island
Maurine Karagianis, MLA*		Esquimalt-Royal Roads
Marc Dalton, MLA*		Maple Ridge-Mission
Mable Elmore, MLA		Vancouver-Kensington
Kash Heed, MLA**		Vancouver-Fraserview
Gordon Hogg, MLA		Surrey-White Rock
Douglas Horne, MLA		Coquitlam-Burke Mountain
Leonard Krog, MLA		Nanaimo
Kevin Krueger, MLA		Kamloops-South Thompson
Richard T. Lee, MLA		Burnaby North
Barry Penner, MLA		Chilliwack-Hope
John Rustad, MLA*		Nechako Lakes
Nicholas Simons, MLA		Powell River-Sunshine Coast
Jane Thornthwaite, MLA*		North Vancouver-Seymour

*Committee Member to February 14, 2011

**Committee Member to October 3, 2011

Clerk to the Committee

Kate Ryan-Lloyd, Deputy Clerk and Clerk of Committees

Research Staff

Josie Schofield, Manager, Committee Research Services

Byron Plant, Committee Research Analyst

Terms of Reference

On June 2, 2011 and October 3, 2011, the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be appointed to be empowered to foster greater awareness and understanding among legislators and the public of the BC child welfare system, and in particular to:

1. Be the committee that receives and reviews the annual service plan from the Representative for Children and Youth (the "Representative") that includes a statement of goals and identifies specific objectives and performance measures that will be required to exercise the powers and perform the functions and duties of the Representative during the fiscal year;
2. Be the committee to which the Representative reports, at least annually;
3. Refer to the Representative for investigation the critical injury or death of a child; and
4. Receive and consider all reports and plans delivered by the Representative to the Speaker of the Legislative Assembly of British Columbia.

In addition to the powers previously conferred upon Select Standing Committees of the House, the Select Standing Committee on Children and Youth be empowered:

- a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;
- b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c) to adjourn from place to place as may be convenient; and
- d) to retain personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

The Work of the Committee

This report covers the activities of the all-party Select Standing Committee on Children and Youth (the Committee) during the period from November 8, 2010 to November 3, 2011.

Several new Members were appointed to the Committee during the third session, including Claire Trevena, who replaces Maurine Karagianis as Deputy Chair. Joan McIntyre was re-elected to continue serving as Chair.

The Chair and Deputy Chair also serve on the Subcommittee on Agenda and Procedure and the Sub-committee on Critical Injury and Child Death Referrals.

Schedule of Meetings

Second Session:

November 8, 2010	Review of the Office of the Representative for Children and Youth (ORCY) annual report and service plan Update on ORCY activities
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Third Session

June 2, 2011	Organizational meeting
June 21, 2011	Orientation briefing Consideration of the Representative's reports Update on ORCY activities
June 22, 2011	Update on organizational changes in the Ministry of Children and Family Development (MCFD)
September 7, 2011	Consideration of the Representative's reports Update on ORCY activities Update on statutory review

Fourth Session

October 4, 2011	Organizational meeting
October 6, 2011	Representative's presentation on statutory review
October 20, 2011	Deputy Minister's presentation on statutory review
November 3, 2011	Ted Hughes's presentation on statutory review
November 16, 2011	Adoption of Report

Copies of Representative for Children and Youth reports are available at:
www.rcybc.ca/Content/Publications/Reports.asp.

Minutes, transcripts and reports of the Select Standing Committee on Children and Youth are available on the Legislative Assembly's website at: www.leg.bc.ca/cmt/

Representative for Children and Youth, *Annual Report 2009/10; Service Plan 2011/12 to 2013/14*

The Representative for Children and Youth appeared before the Committee on November 8, 2010 to discuss the *Annual Report 2009/10*, which covers the activities of her office from April 1, 2009 to March 31, 2010. Future goals, objectives, and performance measures were also discussed as part of the Committee's review of the *Service Plan 2011/12 to 2013/14*.

Summary of *Annual Report 2009/10*

The Representative provided a brief overview of her office during the 2009/10 fiscal year. Noting that the office has been operating for two years and that the start-up period is over, she reported progress in each of the office's three program areas – critical injuries and deaths; advocacy; and monitoring, research, evaluation, and audit.

The Representative reported that 30 individual reviews of injuries and deaths were completed during the reporting period, 12 of which were moved into the “under investigation” category. Four case profiles presented in the annual report provide the public with examples of the types of work performed by the office. Two full investigations were completed, along with two forthcoming aggregate reviews.

On advocacy, the Representative stated that 1,653 new cases were received in 2009/10, approximately 100 more than the year before. Of these cases, 59 percent related to MCFD services or issues. The lead issue among them was case planning, particularly for children in care or children living out of the parental home. The total number of advocacy cases handled by the office to date is 4,402.

Work undertaken in the area of monitoring, research, evaluation, and audit included the release of two reports: *Hearing the Voices of Children and Youth: A Child-Centred Approach to Complaint Resolution* (a joint report with the Ombudsperson); and *Update: System of Services for Children and Youth with Special Needs*.

Committee Inquiry

The inquiry focused on the office's advocacy work and the situation of Aboriginal children and youth. Other questions were asked about access to advocacy services for immigrants; gay, lesbian, trans-sexual and bi-sexual youth; and temporary foreign workers and refugees.

Advocacy Work

Committee Members asked about the reported 6 percent increase in advocacy cases and trends in the caseload. The Representative stated that most of the advocacy files were coming from front-line workers seeking assistance for children and youth unaware of the services of the office. Committee Members also heard how the Representative has been continually asking the ministry to adopt an automatic notification system, whereby children and family in contact with the ministry would be notified of ORCY services.

Some Members asked about the higher percentage of advocacy caseloads reported from Vancouver Island, and how MCFD and ORCY resources are allocated in that region. The Representative explained that particular areas of Vancouver Island have deep intergenerational poverty, and that fewer services are available in some parts than in others. Her office, she added, maintains a holistic approach and local changes in resources for services impact advocacy caseloads in regions.

The Representative also addressed questions about the number of out-of-mandate and out-of-province advocacy cases handled by the office. The Committee learned how individual cases and circumstances can vary significantly depending on the situation, and that there are times when the office does not provide services if the case is out-of-mandate.

Members also asked the Representative: what social workers can learn from advocacy cases. She pointed out that her office supports exchanges of information with people working in the system, and that community fora are periodically held with social workers. The Representative, however, added that MCFD has not provided a model forum to meet with ministry staff that would allow more opportunities for positive debriefing and dialogue. Committee Members were told that a three-month turnaround is average for advocacy cases.

Aboriginal Services

Several questions were asked relating to services for Aboriginal children and youth, such as whether jurisdictional issues are being discussed at the federal level, and whether all levels of government could be brought together for funding and programming. The Representative said that her mandate is restricted to the provincial level but that there are inter-jurisdictional questions at times. A forthcoming ORCY report on Aboriginal services was also discussed, along with partnerships and work with Aboriginal and other organizations.

The Chair posed a follow-up question about reporting on particular trends, such as the high incidence of Aboriginal children in care and difference in on- and off-reserve trends. The Representative remarked that a certain level of clarity and transparency is required about federal and provincial roles when it comes to Aboriginal services and initiatives.

Summary of Service Plan 2011/12 to 2013/14

The Representative described the *Service Plan 2011/12 to 2013/14* as building on the foundations of last year's plan. She then presented an overview of the values that guide the work of the office. These include fairness and equal opportunity for all children and youth; enhanced attention and effort by the province to meet the highest standards of care for children and youth under its guardianship; and greater attention by government to integrate, coordinate and improve services to prevent critical injuries and deaths of children.

On advocacy, the Representative discussed plans to build on and to enhance this function, including pushing for the adoption of an automatic notification system. Members also heard about efforts to increase public awareness of advocacy services and child rights in the province through the development of the Child Rights Public Awareness Campaign.

The Representative discussed a possible major initiative to amend the *Family Relations Act*, and announced plans to issue a response advocating supports for children and youth in the family justice system. Work on community outreach will also continue, with greater attention given to collecting and analyzing information from individual advocacy cases, and bringing that information back to the ministry's front lines to improve the system. The ORCY is expecting at least 1,750 new advocacy cases for 2011/12, and is targeting a client satisfaction rate of 70 percent.

In the area of monitoring, research, and evaluation, the Representative stated that her office will continue to use an evidence-based child-centred approach. Regular reporting will seek to identify and recommend systemic improvements that will lead to better outcomes for vulnerable children and youth.

Regarding critical injuries and deaths of children and youth, Committee Members heard how the office will continue to review and report on cases, but that some cost pressures exist with respect to this aspect of the mandate.

The Representative concluded her presentation by raising other matters of concern, such as rates of child poverty in BC and the need for better measurement and reporting on how well the child- and youth-serving system is performing.

Committee Inquiry

Topics raised in the committee inquiry included Aboriginal children in care, child poverty, performance measures, and the budget. Other specific questions concerned liaisons with children and youth, and challenges facing immigrant families coming to British Columbia.

Aboriginal Children in Care

Questions were asked about the high number of Aboriginal children in care, and trends among on- and off-reserve families, Métis people, and single-parent families. The Representative discussed some of the issues affecting these families, noting that one in five Aboriginal children will have some contact with the child welfare system, and that Aboriginal children comprise 52 percent of all children in care. The importance of developing local resources on reserves was stressed, along with ensuring that service providers, like friendship centres, offer accessible and appropriate services.

Child Poverty

Committee Members asked about the impact of poverty on families and the child welfare system as well as steps being taken to examine these issues. The Representative explained that poverty factors are huge and impacted by other underlying issues – such as mental health and disabilities. She added that the current range of services is not adequate and that a deeper conversation is needed on how services work together and target impacted families. The Deputy Representative also provided further details about the Child Rights Public Awareness Campaign and partnerships with other organizations.

Performance Measures

The Chair asked about the performance measures contained in the service plan, and whether more quantifiable measures might be used to track objectives and progress. In response, the Representative stated that her office does not have control over the delivery of services like a ministry and therefore can only set targets that are within the scope of an independent oversight body. The four performance measures contained in the service plan were discussed, such as those tracking satisfaction with advocacy program services and rates measuring engagement with stakeholders.

Budget

Questions were asked about the operating budget and how changes to it might impact the workplan and roles of the office. The Representative said that while she did not request a budget increase last year due to the difficult financial circumstances of the province, the office's ability to carry out work has been subsequently impacted. The area of critical injury and death reviews and reports, she added, has been particularly affected and there will be some serious challenges completing that work without the appropriate budget.

Committee Decision (November 8, 2010)

- The Committee received the Office of the Representative for Children and Youth's *Annual Report 2009/10* and *Service Plan 2011/12 – 2013/14*.

Reports Reviewed

The Representative for Children and Youth appeared before the Committee on June 21, 2011 to discuss three reports: *Growing Up in B.C.* (a joint report with the Office of the Provincial Health Officer); *Update: System of Services for Children and Youth with Special Needs*; and *Hearing the Voices of Children and Youth – A Child-Centred Approach to Complaint Resolution* (a joint special report with the Ombudsperson).

Also in attendance on June 21 were Jeremy Berland, Deputy Representative; John Greschner, Chief Investigator and Associate Deputy Representative; and Andrew Robinson, Associate Deputy Representative of Advocacy, Community and Aboriginal Relations. Linda Carlson, Executive Director of Investigations, appeared on behalf of the Office of the Ombudsperson to discuss the report *Hearing the Voices of Children and Youth*.

On September 7, 2011, the Committee reviewed three other reports: *Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Infants*; *Isolated and Invisible: When Children with Special Needs are Seen but Not Seen*; and *No Shortcuts to Safety: Doing Better for Children Living with Extended Family*. At that meeting, the Representative was accompanied by Jeremy Berland, Deputy Representative, and John Greschner, Chief Investigator and Associate Deputy Representative.

Joint Report, *Growing Up in B.C.*

Representative's Presentation (June 21, 2011)

Growing Up in B.C. (October 2010) is a joint report produced by the Representative for Children and Youth and the Office of the Provincial Health Officer. Described as a significant effort to get a broad population-based understanding of the experience of all children residing in the province, the report focuses on particularly vulnerable populations – children living out of the parental home, Aboriginal children and children with special needs.

The report is organized around “six key domains of well-being” – child health; child learning; child safety; family economic well-being; child behaviour; and family, peer and community connections. These domains, the Representative explained, provide a detailed set of indicators for child and youth health and well-being that can be tracked by government over time.

Next, the Representative highlighted key findings in the report. In the area of child health, the Representative noted some positive trends such as healthy birth rates and healthy eating, but observed that physical activity rates are low among youth. Aboriginal children and

children in care also have heightened vulnerabilities in this area and need to be better supported. On child learning, Members learned that while BC has high graduation as well as post-secondary enrolment rates, Aboriginal children and children in care perform lower than others; regional disparities also exist throughout the province.

Age was described as a major determining factor in child safety. Children under the age of one, and teens between 15 and 19, are particularly vulnerable to injuries. The issues of bullying and safety around the use of the Internet were also mentioned. For the fourth domain of well-being – family economic well-being – the Representative stated that a family’s economic status impacts children and youth, and that BC continues to have the highest rate in Canada of children living in low-income families. Aboriginal people and children in care were reported as having lower incomes and face significant disadvantages.

On child behaviour, the Representative highlighted positive data, such as declining teenage pregnancy rates and falling crime rates, and the significant role played by parents and family members in exposing youth to risky behaviour. Evidence was further shown that Aboriginal children and children in care have high vulnerability.

The last area examined in the report, was family, peer, and community connections; the Representative stated that the youth in the study made it clear that adult support is necessary and valuable to their well-being. Data gaps exist, however, on mental health and emotional well-being. The Representative concluded her presentation by discussing future plans, which include revisiting data in 18 months and further reporting.

Members’ Questions

Committee Members asked questions about variances in regional drug use and availability; tobacco use in care homes; access to transportation and safety issues; and citizenship programs for school-going children in areas such as traffic safety and injury prevention. Other lines of questioning focused on: tracking the experiences and stories from immigrant and ethnic youth; alternate service delivery models and natural care; and how to provide resources for children in care to achieve outcomes.

Representative for Children and Youth, *Update: System of Services for Children and Youth with Special Needs*

Representative’s Presentation (June 21, 2011)

Released in September 2010, *Update: System of Services for Children and Youth with Special Needs* is the Representative’s third report on children and youth with special needs. It examines issues around the October 2009 transfer of Community Living BC children’s services back to the Ministry of Children and Family Development.

The Representative's presentation focused on recommendations in five key areas, the first of which was the call for the MCFD to adopt a clear communications plan. Such a plan would give families and caregivers access to information on any aspect of the service delivery system for children and youth with special needs, regardless of region and point of contact.

Second, the Representative stated that there is an absence of adequate engagement with Aboriginal families. She said it is critical that the ministry engage in a coordinated effort with Aboriginal families and stakeholders to mitigate gaps in services on- and off-reserve. The report recommends that Aboriginal communities are aware of and involved in the planning and delivery of services to children and youth with special needs.

The third area discussed was the need to implement a functional-based approach for determining eligibility for services. Committee Members were told that ongoing work is required so that eligibility for services to children and youth with special needs are not based solely on a diagnosis, such as an IQ cut-off.

Next, the Representative discussed expanding advocacy supports for youth with special needs transitioning out-of-care. Currently, these supports end once youth turn 19 years of age and the report recommends extending them to youth up to the age of 24.

On the issue of quality assurance – the final area of recommendation – Committee Members learned that active discussions have been taking place with senior ministry officials but that work has not progressed around data collection and reporting in any meaningful way.

Members' Questions

Following the presentation, Committee Members posed questions about the proposed extension of advocacy services to youth aged 24; prioritization of cases where there has been no family support; and accommodating the needs of youth transitioning out-of-care.

Joint Special Report, *Hearing the Voices of Children and Youth – A Child-Centred Approach to Complaint Resolution*

Representative's Presentation (June 21, 2011)

The product of collaboration between the Representative for Children and Youth and the Ombudsperson, *Hearing the Voices of Children and Youth – A Child-Centred Approach to Complaint Resolution* examines the quality of MCFD systems to deal with complaints from youth. The Representative's presentation to the Committee focused on several report recommendations.

First, the Committee heard that, despite legislation requiring the ministry to resolve complaints within 30 days, it sometimes takes longer. It is recommended that compliance with, or amendment to, the legislation would address this inconsistency.

On the next recommendation – which concerns responsibility for complaint resolution in the ministry – the Representative stated that, in order to maintain public confidence in public services, it is important that the person resolving the complaint is not the person responsible for delivering the designated service that is under consideration.

Also discussed was the report's third recommendation that the ministry actively engage youth and solicit feedback on how to increase the effectiveness of the complaint process. The Representative remarked that work needs to be done to improve the complaints process to make it single, clear, accountable, and child-focused.

The final point in the presentation addressed promising practices and enhancing services to children, particularly amid changes to the family justice system and other areas. Both the Representative and Ombudsperson feel strongly that involving youth in decisions and hearing their voices improves child and youth development, and that there is room for improvement in this area.

Members' Questions

The questions on which Committee Members focused: how to present legitimate complaints; which types of agencies are included in the complaints process; and the ministry's response to the recommendations. Additional questions were asked about complaints to multiple offices; the ability of youth to sue the government; potential problems relating to regionalization; and complaints concerning delegated agencies.

Representative for Children and Youth, *Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Infants*

Representative's Presentation (September 7, 2011)

Released in January 2011, *Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Infants* examines the deaths of 21 infants under the age of two. The first aggregate review to be undertaken by the office, the report applies a broader lens to see what factors may have played a role in the circumstances around these deaths.

The Representative began her presentation by stating that inter-generational deprivation and poverty had a significant impact in shortening the lives of these infants. A large number of these deaths, she noted, could have been prevented through basic, decent standards of living

such as adequate housing and sleeping arrangements. Every one of the families of the 21 infants was known to the ministry, and 15 were of Aboriginal descent.

The Representative discussed the impact of poverty on life circumstances, stating that the social policy foundations for responding to poverty issues in BC are unclear, and that both immediate and long-term strategies are needed to address poverty. A key message of the report, listed as Recommendation One, is that the province needs to develop a comprehensive poverty reduction plan, one that identifies strategies to address all aspects of child poverty in the province, including poverty affecting Aboriginal children and families.

Next, progress on some of the other recommendations was noted, including Recommendation Seven's call for the re-establishment of a provincial director of child welfare. The Representative stated that the reinstatement of the position, a measure announced by government on March 31, 2011, will bring more consistency around the work that the ministry will have with mothers with infants living in deep poverty. Other recommendations, the Representative indicated, are outside the ministry's jurisdiction and will require leadership at other levels for implementation.

Members' Questions

Members posed questions in the following areas: how to address housing issues; cases of other jurisdictions with successful poverty reduction plans; measuring Aboriginal poverty by using Low Income Cut-Offs; how to adopt a child-centred approach with government funding; and the integration of services between public health and social work. Other queries addressed the inadequacy of resources for social workers; the need for a comprehensive proactive approach; and role of education campaigns in addressing problems.

Representative for Children and Youth, Isolated and Invisible: When Children with Special Needs are Seen but Not Seen

Representative's Presentation (September 7, 2011)

This report, released in June 2011, follows an incident involving a girl with special needs who was left for days with the body of her deceased mother. The investigation into the case considers the care that the child received system-wide over a three-year period.

The Representative began her presentation with the report's overall finding – that this vulnerable girl's needs were not addressed during that period – followed by a discussion of specific aspects of the case. Outlining the different roles played by the Ministry of Health, MCFD, Community Living BC and the education system, the Representative stated that the investigation revealed a lack of proper planning and support among service providers and, more broadly, “significant disintegration” around the system province-wide.

Next, the Representative discussed the four report recommendations. The first proposed that MCFD, working in collaboration with the Ministry of Education and the Ministry of Health as required, develop a detailed strategy for provision of services to children and youth with special needs. The strategy should be supported by the necessary resources to ensure that children and youth are receiving the services that they require.

The other three recommendations were: that MCFD review plans of all children and youth transferred from Community Living BC to ministry services, to ensure vulnerable children and youth have appropriate plans that address both their safety as well as their needs; that MCFD develop and implement policy and guidelines with respect to checking with collateral sources of information when conducting child protection investigations; and that the Ministry of Social Development (MSD) work collaboratively with MCFD to develop a proactive policy and process so that income assistance to families with dependent children or youth with special needs will not be terminated without a joint review by MCFD and MSD.

All four recommendations have been accepted by MCFD, and the Representative hopes to report back to the Committee on the status of their implementation.

Members' Questions

Members asked questions on the roles of social workers and of financial assistance workers; the relationship between professional guidelines and the exercise of professional judgment; the need for more social workers; and individual plans for all children in care to receive services.

Representative for Children and Youth, *No Shortcuts to Safety: Doing Better for Children Living with Extended Family*

Representative's Presentation (September 7, 2011)

Issued in June 2010, the report, *No Shortcuts to Safety: Doing Better for Children Living with Extended Family*, is an audit of the Child in the Home of a Relative program (CIHR). This financial assistance program was developed to help relatives care for children who could not be cared for by their parents. Although the program is being phased out after several decades of existence, existing participants in the program will continue to receive benefits. Since April 1, 2010, families requesting supports previously provided by the CIHR program have had access to other services, including the Extended Family Program (EFP).

The Representative provided an update to the Committee on the status of the report, noting that the government recently changed its position and has accepted the recommendation to rescreen caregivers to address safety concerns. The rescreening process will begin on September 1, 2011 and is expected to affect about 1,800 to 2,000 children. The

Representative notified the Committee that she expects further reporting on the progress of this process from MCFD.

Members' Questions

Committee Members asked questions about the impact of the transition from the CIHR to the EFP on children and caregivers; federal programming for children out of the parental home; and the types of services available under the new EFP compared to the CIHR.

Additional questions focused on: the number of clients and ministry caseloads under the EFP; differences between the EFP and arrangements with a parent through a restricted foster home; and recent legislative changes granting permanent custody for children living with relatives under the EFP.

Updates for Committee Members

Representative for Children and Youth: Office activities

November 8, 2010

At the meeting on November 8, 2010, the Representative updated Committee Members on the implementation of the recommendations of the report, *Honouring Christian Lee*. She also provided a brief update on office activities, including completed and forthcoming reports.

June 21, 2011

The Representative's update on June 21, 2011 referred to forthcoming events, including the Champions of Children and Youth Summit in Vancouver and the fourth annual awards of excellence in October. Completed and forthcoming reports were also referenced.

Next, the Representative spoke about the change in leadership in MCFD, which she described as resulting in a "very positive reset" of the relationship with the oversight body. She reported that there is now close collaboration on work and some key themes, as well as a reappraisal of recommendations made in ORCY reports. She also lauded the government's re-establishment of the position of Provincial Director of Child Welfare as a significant step towards enhancing accountability within the ministry.

On advocacy, the Representative noted the signing of a joint protocol agreement between the Representative and the Minister of CFD on April 4, 2011. The agreement clarifies the roles of Ministry and ORCY staff regarding the Representative's advocacy services. Committee Members were told that advocacy caseloads following the agreement have increased by 39 percent over the same period last year. ORCY has had 6,456 advocacy cases to date.

In the area of investigations of critical injuries and child deaths, the Representative discussed work in progress. The Committee heard how the number of cases has grown as a result of increased ministry reporting, particularly in the areas of physical and sexual assaults.

With respect to the monitoring audit and review function of her office, the Representative noted that there have been active discussions on how to improve the system for screening children and caregivers to improve child safety in accordance with recommendations in the June 2010 report *Doing Better for Children: Living with Extended Family Advocacy Services*.

The Representative concluded with an update on the implementation of the Hughes Report, the incidence of child poverty in BC, and several forthcoming reports from the ORCY.

Following the update, Committee Members asked questions on the following topics: alternate forms of social assistance; the Representative re-appointment process; provision of programs and services to children through the Internet; reports for future Committee consideration; and ways to improve citizen engagement.

September 7, 2011

The Representative began her update by noting that the Associate Deputy for Aboriginal Relations and Advocacy, Andrew Robinson, has moved on to other opportunities after several years of service with the office.

Next, reports and investigations in progress were discussed. The Representative stated that her office is working collaboratively with MCFD to share plans for improving performance of the ministry. Furthermore, the ministry has decided to review all previous reports and recommendations by the ORCY since 2007. On a day-to-day basis, the Representative described oversight and reporting as working more smoothly than it has in the past.

Following the update, Members asked questions about reporting on an audit of plans for children in care; the impact of court proceedings on case work; youth with special needs transitioning out-of-care at 19 years; and the number of children with special needs who are eligible for adoption.

Deputy Minister: Organizational changes

June 22, 2011

On June 22, 2011, the new Deputy Minister of Children and Family Development, Stephen Brown, appeared before the Committee to provide an overview of organizational changes in the ministry and to answer questions from Members.

The Deputy Minister reported that the MCFD is in the process of developing an action plan to take effect for the next nine months, during which the ministry will begin to develop a concrete three-year action plan with targets. Clear direction, he stated, is needed so that action is taken to improve outcomes for children, youth, and families. The need for quality and efficiency in the delivery of services was also mentioned.

The Deputy Minister commented on the “reset” of the relationship with the Representative, stating that work is being done to enhance accountability and transparency. Part of the change, he noted, involved acknowledging the importance of oversight and beginning to work with the ORCY and other oversight bodies. There were also plans to improve data collection and reporting on the delivery of services in rural and smaller urban communities.

Next, the Deputy Minister identified nine areas identified as key elements in a solid child and family service system:

1. A child-centred practice and service delivery system.
2. The family as usually the best place for bringing up children and young people.
3. Extended families and communities providing safe and nurturing environment for children, youth, and families.
4. A strategic partnership with Aboriginal leaders and communities toward achieving a vision of Aboriginal children and youth living in strong, healthy families and sustainable communities where they are connected to their culture and tradition.
5. Prevention and early intervention for children, youth, and families.
6. Effective services to meet needs.
7. Effective collaboration and integrated planning/action for children, youth, and families across service lines.
8. Social work expertise and competencies.
9. Organizational context that supports effective social work practice.

The Deputy Minister concluded his presentation by discussing next steps and key actions, to be worked on in 90-day cycles. Committee Members also heard how efforts are underway to meet with staff, agencies, and community groups in various locations.

Members asked questions about the Deputy Minister's background and previous experience; the extent of actual change taking place and the adequacy of resources; multicultural communities and efforts to accommodate different values; the shift to regionalization; and collaboration with other ministries and buy-in from the federal government.

Committee Members also posed questions about whether the ministry's general focus is on strengthening families or on child protection; future plans for delivering child care services; the role of IT support in the ministry; progress in partnering with the federal government to protect Aboriginal children living on-reserve; and possible duplication of case file and advocacy between the ministry and the Office of the Ombudsperson.

Committee Chair: Statutory review

September 7, 2011

When presenting the workplan for the fall of 2011, the Chair informed Committee Members of the requirement to conduct a review of the *Representative for Children and Youth Act* in accordance with Section 30 of that Act. She explained that the review will examine the main functions of the position and consider possible amendments relating to the Representative's work over the next five years.

Preliminary plans for the upcoming review may include meetings with the Representative, the Deputy Minister of Children and Family Development, and Hon. Ted Hughes. A proposal to receive written submissions from key stakeholders was also discussed.

Committee Decision (September 7, 2011)

- Resolved, that the Committee approve the Committee's work plan as presented, including the plan for the statutory review process as outlined by the Chair.

Statutory Review Process

Representative's Presentation (October 6, 2011)

The Representative appeared before the Committee as the first witness for the Committee's review of the *Representative for Children and Youth Act* (the act). Also in attendance were Jeremy Berland, Deputy Representative, and John Greschner, Chief Investigator and Associate Deputy Representative.

The Representative began her presentation by stating that the Hughes Report recommended the establishment of the office of the Representative for Children and Youth as a way to provide much-needed stability in the child welfare system. Noting that the degree of instability has continued to be a concern, the Representative recommended that the current functions of the Representative be continued and subsequently reviewed in five years.

The Representative went on to discuss two proposed amendments to the act. The first amendment concerned the Representative's advocacy function. Committee Members heard how the current act simultaneously defines a child "as a person under 19 years of age" but then defines "designated services" to include "services for youth and young adults during the transition to adulthood. The Representative stated that this presents a legal conflict within the act, particularly for youth with special needs who are aging out of the child and youth special needs system and into the Community Living BC system. An amendment to the definition of "child" in the act was proposed to allow the Representative to extend advocacy and monitoring functions to those in transition.

The Representative's second proposed amendment pertained to children in care and education. Noting that education is not a designated service under the legislation, the Representative stated that when individualized education plans (IEPs) arise, particularly for children in care, it is unclear whether or not there is a role for the Representative's office. Committee Members were told that an amendment to the act, or possible regulatory change, is needed to address children in care who require an individualized education plan.

Members' Questions

Committee Members posed questions on the following topics: future statutory review; definition of "child"; the cost implications of providing expanded advocacy services; and jurisdictional issues and the definition of individual educational plans. Additional questions were also asked about successes and failures over the past five years; advocacy for cases before the courts; consideration of best practices in other jurisdictions; extent of collaboration between MCFD and the Ministry of Social Development; community education standards and post-secondary opportunities for children in care; and work with municipalities.

Deputy Minister's Presentation (October 20, 2011)

The Committee's statutory review continued on October 20 with a briefing from Stephen Brown, Deputy Minister, MCFD, and Derek Sturko, Associate Deputy and Chief Operating Officer.

The Deputy Minister began his presentation by affirming the critically important role played by the Representative, adding that the relationship between MCFD and the Representative is continually developing to meet the need for stability. The Deputy Minister stated that while the ministry agrees with the assessment that the functions under the act are still required, differences exist over the schedule for continued monitoring of the ministry.

Citing the 2006 Hughes Report, the Deputy Minister suggested that external oversight may no longer be necessary at some point in the future. He then discussed the ministry proposal to establish performance measurement, quality assurance programs, and public reporting in the next calendar year. Under the ministry plan, the Committee would, after two years, be given the ability to assess whether the Representative's monitoring, review, and audit functions are still required.

Next, the Deputy Minister discussed other parts of the submission, including a proposal for expanded use of protocols between MCFD and the Representative to help operationalize the act. A possible expanded role for the Committee was also mentioned. This plan would involve regular reporting by the Deputy Minister to the Committee on performance measurement, quality assurance programs, and public reporting, as well as Committee reviews of protocols developed between the ministry and the Representative's office.

Lastly, the Deputy Minister discussed the Representative's two proposed amendments to the act. Noting that both have some merit and warrant serious consideration, the Deputy Minister stated that these could be addressed through regulation, policy change, or protocol, rather than through legislative change.

Members' Questions

Committee Members asked about the preference for and feasibility of the time frame for organizational change (2 or 5 years) and impact of change on accountability; role of the Ministry of Education in policy changes regarding IEPs; proposals to expand the Committee's role. The Committee also asked about ways to expand the Representative's role; the importance of principles; and enacting changes through policy and protocol versus legislation and regulation.

Ted Hughes, QC, Presentation (November 3, 2011)

The third witness in the statutory review, Ted Hughes, appeared before the Committee on November 3. Mr. Hughes began his presentation by describing the current relationship between the Ministry of Children and Family Development and the Office of the Representative for Children and Youth as “respectful and cooperative.” He also stated that the Committee has proven to be a successful forum for non-partisan collaboration in recent years.

Next, Mr. Hughes reviewed each of the submissions to the Committee from the Representative for Children and Youth and the ministry. On the ministry’s proposal to conclude the Representative’s monitoring and auditing functions after two years, Mr. Hughes stated that he accepts the sincerity of the proposal but would suggest that this decision be made after three years, if the current Representative is reappointed to a second term. Under a three-year time frame, he stated, the Representative would then have two years under her term to operate under the readjusted functions, thereby paving the way for her successor by the end of that time.

Mr. Hughes then endorsed the Ministry’s plan to expand the role of the Committee. This “two-pronged expansion” would involve the Committee receiving reports from the Deputy Minister on a regular basis in regard to performance measurement, quality assurance programs and public reporting. In addition, the Committee would be asked to review protocols developed by the Ministry and the Representative.

Lastly, Mr. Hughes reviewed the Representative’s two suggested revisions to the Act. On the first, which would extend the Representative’s advocacy function for transitioning youth, he recommended that a change be made but that the choice of mechanism be left to the discretion of the Committee. On the second revision concerning children in care and individualized education plans, Mr. Hughes again said that he saw merit in the Representative’s proposal to add education as a designated service, but the question of whether this objective can be accomplished by a legislative change or by regulation remains to be determined.

Members’ Questions

Questions were asked about the proposed amendment with regard to education planning; advocacy services for people with special needs; and ending the Representative’s monitoring function after three years.

Mr. Hughes also answered questions about the choice of the three-year time frame; potential issues in expanding the role of the Committee; and whether education plans were

contemplated in the 2006 Hughes Report. Finally, Committee Members asked questions relating to balancing legislative changes with personnel changes; the relationship between systemic advocacy and monitoring; and potential reviews of processes for placing children into care.

