



## REPRESENTATIVE FOR CHILDREN AND YOUTH

### SUMMARY DOCUMENT

#### **Special Report on the Reporting of Critical Injuries and Deaths by MCFD to the Representative for Children and Youth December 2010**

*Context: This special report arose from a recent incident in which the Representative was advised through the media and by family members that a vulnerable special needs child, known to the Ministry of Children and Family Development (MCFD), was left for several days with the body of her deceased mother.*

#### Summary:

- The seriousness of this case, combined with other examples of non-reporting by MCFD, convinced the Representative that ongoing efforts to try and resolve the issue of lack of notification of critical injuries and deaths were not producing the necessary results.
- To date, the Representative still has not received an official ministry report of the critical injury in this case. Discussions with senior ministry officials suggest a notification will not be coming.
- This lack of response in what is a tragic case highlighted the need for an urgent effort to be made by MCFD to review its current reporting policy and broaden it so that efforts made by the ministry to inform the Representative's Office were brought into line with the intention and spirit of the *Representative for Children and Youth Act* (RCY Act) and also the guiding direction of the Hughes review.
- The ministry's current policy (known as Child and Family Service (CFS) Standard 25) regarding how and when to notify the Representative of critical injuries was created prior to the creation of the Representative's Office or the RCY Act and leaves significant gaps in reporting.
- The current MCFD policy describes several categories of incidents that the RCY Act would clearly regard as being critical injuries, including:
  - a child facing life-threatening circumstances, for example, a serious accident
  - a child who has been abused or neglected while in the care of an approved caregiver or a family under ministry supervision
  - a child exposed to a high-risk situation or disaster which may cause emotional trauma



## REPRESENTATIVE FOR CHILDREN AND YOUTH

- As the ministry does not regard these as being critical injuries reportable to the Representative, there is deep concern that entire categories of critical injuries that ministry staff know about have not been referred to the Representative for review.
- Two recent examples of troubling cases in which the ministry would not report to the Representative:
  - A child suffering serious sexual assaults and incest at the hands of her abusive father
  - A youth in care who ended up severely disturbed and in a suicidal state after having been left with a caregiver who engaged him in sexual activity and shared drugs with him.
- The Representative cannot accept that the ministry can simply decline to report any physical or sexual abuse incidents based on an internal policy that is out of date and was developed for a different purpose before the Representative's Office even came into existence, or the legislation governing it was enacted.

### Conclusion

- Public confidence in the child serving system depends on accountability, transparency and proof that improvements are being made in services to children and their families when tragedies occur.
- The recent incident that prompted this special report is a critical injury that should have been reported not only to the Representative's Office, but to the ministry's provincial office as well.
- The fact that this did not occur because of an outdated ministry policy that is too narrow and technical to be practical or suitable is not acceptable.
- Even after a discussion with senior ministry officials about the case, no acknowledgement that this case should have been reported occurred, and no commitment to improve the reporting requirements or system was forthcoming.
- Improving the system for reporting injuries and deaths to the Representative's Office requires an immediate policy change.
- This immediate and simple improvement will help improve public confidence in the accountability, transparency and responsiveness of the ministry and government.
- The Representative calls on government to immediately undertake the recommended changes to develop and implement a critical injury and death notification policy that complies with the *RCY Act*.
- This new policy, to be fully implemented by March 1, 2011, will ensure the practice of reporting injuries and deaths is consistent, timely and effective.