



Third Session, 38th Parliament

REPORT OF PROCEEDINGS
(HANSARD)

SELECT STANDING COMMITTEE ON
CHILDREN AND YOUTH

Vancouver

Tuesday, December 11, 2007

Issue No. 10

RON CANTELON, MLA, CHAIR

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**SELECT STANDING COMMITTEE ON
CHILDREN AND YOUTH**

Vancouver
Tuesday, December 11, 2007

- Chair:* * Ron Cantelon (Nanaimo-Parksville L)
- Deputy Chair:* * Leonard Krog (Nanaimo NDP)
- Members:*
- * Bill Bennett (East Kootenay L)
 - * Dennis MacKay (Bulkley Valley–Stikine L)
 - * Mary Polak (Langley L)
 - * Valerie Roddick (Delta South L)
 - * John Rustad (Prince George–Omineca L)
 - Jagrup Brar (Surrey–Panorama Ridge NDP)
 - * Maurine Karagianis (Esquimalt–Metchosin NDP)
 - * Nicholas Simons (Powell River–Sunshine Coast NDP)

**denotes member present*

Clerk: Craig James

Committee Staff: Jonathan Fershau (Committee Research Analyst)

Witnesses: Mary Ellen Turpel-Lafond (Representative for Children and Youth)

CONTENTS

Select Standing Committee on Children and Youth

Tuesday, December 11, 2007

	Page
Update on Implementation of Hughes Report Recommendations M. Turpel-Lafond	147
Office of the Representative for Children and Youth: Service Plan M. Turpel-Lafond	148
Election of Subcommittee on Child Death Reviews.....	149
Investigation of Child Deaths by Representative for Children and Youth M. Turpel-Lafond	150
Other Business..... M. Turpel-Lafond	155

MINUTES

SELECT STANDING COMMITTEE ON CHILDREN AND YOUTH



Tuesday, December 11, 2007
10 a.m.
Waterfront Ballroom A, Fairmont Waterfront Hotel
900 Canada Place, Vancouver

Present: Ron Cantelon, MLA (Chair); Leonard Krog, MLA (Deputy Chair); Bill Bennett, MLA; Maurine Karagianis, MLA; Dennis MacKay, MLA; Mary Polak, MLA; Valerie Roddick, MLA; John Rustad, MLA; Nicholas Simons, MLA

Unavoidably Absent: Jagrup Brar, MLA

Officials Present: Mary Ellen Turpel-Lafond, Representative for Children and Youth

1. The Chair tabled a letter from the Minister of Children and Families and the Committee received a response from the Representative for Children and Youth.
2. The Committee considered the Service Plan and Budget for the Office of the Representative for Children and Youth.
3. It was moved by Mr. Simons:

That the Select Standing Committee on Children and Youth express its support for the budget request of the Representative for Children and Youth arising out of this Committee's approval of her service plan, and further, that this Committee express its deep concern over the decision made by the Select Standing Committee on Finance and Government Services with respect to the Representative for Children and Youth's budget.

The motion was ruled out of order by the Chair.

4. **Resolved**, that the Subcommittee on Child Deaths be comprised of the Chair (R. Cantelon); Deputy Chair (L. Krog); D. MacKay and M. Karagianis.
5. The Representative for Children and Youth appeared and answered questions with respect to the *Representative's Report: Update #1 – Critical Injuries and Deaths: Reviews and Investigations* (November 7, 2007).
6. The Committee received a briefing from the Representative for Children and Youth regarding section 12(2) of the *Representative for Children and Youth Act*.
7. The Committee met *in-camera*.
8. The Committee met in public session.

9. It was moved by Mr. Krog:

Pursuant to its terms of reference, the Select Standing Committee on Children and Youth refer to the Representative for Children and Youth for investigation the deaths of children in the following eight cases: H.L., T.S., J.T., G.S., S.J., I.T., D.C. and B.F.

Motion approved.

10. The Committee adjourned at 12:14 pm to the call of the Chair.

Ron Cantelon, MLA
Chair

Craig James
Clerk Assistant and
Clerk of Committees

TUESDAY, DECEMBER 11, 2007

The committee met at 10:01 a.m.

[R. Cantelon in the chair.]

R. Cantelon (Chair): Having reached the appointed hour, I'm going to call this meeting to order and welcome the children's representative, Mary Ellen Turpel-Lafond.

I wonder if you'd be so kind as to introduce your staff that you brought with you.

M. Turpel-Lafond: Very well. Good morning, everyone. I have a new member of my staff with me today who joined our office in December. He's a new deputy. His name is Martin Wright. He's the deputy for monitoring, review and research. Martin has had a very distinguished career, largely in the public service of British Columbia. His background is as an economist, and he has expertise with respect to children. So we're very delighted that he's joined us as deputy in that area, and he's with me today.

As well, I have John Greschner, who's a deputy for critical injuries and deaths. I also have Clara Robbins, who's a special adviser to the office. You'll recall that Clara has come to these meetings in the past. She retired from a very distinguished career in the public service, and she's back working on a part-time basis with my office. We're delighted that she's with us, as well, today.

R. Cantelon (Chair): I'm going to ask the members, starting with Val Roddick, to introduce themselves for those who may be listening on line.

V. Roddick: Val Roddick, MLA for Delta South.

D. MacKay: Dennis MacKay, MLA for Bulkley Valley-Stikine.

B. Bennett: Bill Bennett, MLA for East Kootenay.

M. Polak: Mary Polak, MLA for Langley.

R. Cantelon (Chair): John Rustad isn't here but will be joining us shortly. I'm Ron Cantelon. I'm the Chair.

L. Krog (Deputy Chair): Leonard Krog, MLA for Nanaimo.

M. Karagianis: Good morning. Maurine Karagianis, MLA for Esquimalt-Metchosin.

N. Simons: Nicholas Simons, Powell River-Sunshine Coast.

Update on Implementation of Hughes Report Recommendations

R. Cantelon (Chair): Thank you all for coming. I'd like to begin by explaining why Leonard and I consulted and changed the agenda. We received a letter from Minister

Christensen, and I think that the representative will expand on the fact that they're now working together to bring us forward with some more concrete results.

This was addressed to both Mr. Krog and myself:

"I met with the Representative for Children and Youth this week. In addition, my deputy minister has had discussion with the representative, and my assistant deputy minister has met and had additional discussions with staff from the office of the representative. These meetings have been constructive. Based on these discussions, both the representative and I believe that the Select Standing Committee on Children and Youth would be better served in its consideration of the representative's November 26 progress report if the representative and MCFD have an opportunity to further discuss the report before appearing before your committee.

"The ministry is committed to working cooperatively with the representative's office to better understand the representative's assessment of the progress made in implementing the Hughes recommendations and to provide such information as may be requested to confirm the ministry's progress. These discussions are already underway, and I believe they will allow the representative and the ministry to more fully report to the committee at a future date."

We confirmed that we would indeed postpone that discussion, and I invite the representative to add to that any comments she wishes to make at this time.

M. Turpel-Lafond: Yes, I can report to the committee that after some discussions with both the minister and the deputy minister from the Ministry of Children and Family Development, there was a view that it would be helpful to continue those discussions and continue those meetings prior to a more in-depth evaluation of the Hughes review report that was tabled.

[1005]

I think it's significant to indicate to the committee that I have requested that the ministry provide any new component of the record, if they wish to, for it to be evaluated and then reported back to this committee.

There has been additional record provided with respect to one of the recommendations — recommendation 53 in the report. The additional record provided has allowed me to move that recommendation from the "limited or no progress" category up to "implementation underway." So on one area, on recommendation 53, there has been some additional record provided. That's one point.

Otherwise, we are discussing matters further, and I have stated to the minister the view that I took to the committee, which was: I would hope next year there would be a joint review on the implementation of the Hughes review, a joint report to this committee.

Also, based on my discussions with the minister and statements both within and outside the Legislative Assembly, one of the recommendations in the report that I don't feel the committee has to deal with — I think it's been adequately addressed — is the second recommendation in the Hughes review, which was a recommendation that the government reiterate publicly its continuing support for the recommendations of the

Hughes review and that MCFD work with greater urgency to implement the recommendations that need and deserve priority attention by his officials.

With respect to the commitment to it, I'm certainly satisfied, based on these recent discussions, that there has been a strong affirmation of that commitment and that now we are in the process of rolling up our sleeves.

On the first recommendation, which is to clarify the connection between a draft plan that they have and the implementation of the Hughes review, that matter is still before you, and it is on that very point that we were having additional discussions at the moment. I look forward to an opportunity, perhaps in the new year, when we can fully present the report, although I appreciate that members have likely had a chance to review it on your own. The ministry's participation on that, of course, is most welcome from my side as well.

**Office of the Representative
for Children and Youth:
Service Plan**

R. Cantelon (Chair): Thank you. Before I give Mr. Simons the floor.... I understand you've had discussions with the Chair of the Finance Committee. Can you tell us about that?

M. Turpel-Lafond: Just with respect to our service plan and our situation with respect to our budget for the next year, I can report on that to say that I've been invited by the Chair of the Finance Committee that reviewed the statutory officers' funding, who's a member of this committee — Mr. Bennett.

I've been invited by Mr. Bennett to appear before another meeting of the Finance Committee. He has asked me to accept that invitation, as he intends to convene another meeting of the Finance Committee to consider the budget. I have accepted that invitation. I don't know the date — we'll find out soon — but in any event, I look forward to that opportunity to amplify on our budget request with the Standing Committee on Finance.

R. Cantelon (Chair): Thank you.

Mr. Simons, before you proceed I'd just like to acknowledge that John Rustad has joined us. Proceed.

N. Simons: I just seek your advice as to the appropriateness of the timing for this. I'd like to propose a motion to the committee with respect to what the representative just briefly touched on, and that is the service plan and the budget associated with that service plan.

Not that long ago this committee met and reviewed in some detail the representative's service plan for the upcoming fiscal year. During that discussion it was clearly understood by all members of this committee that her jurisdiction will likely expand to include children who are currently in the care of a relative under the program called CHR — child in the home of a relative — which accounts for approximately 4,700-plus children in this province.

With that expanded mandate, known very clearly to all of us here, as well as the fact.... Add to that the fact that the representative's initial budget was not created by her office and did not use the expertise of her office for its initial structure. The representative has since had an opportunity to be in operations for some length of time.

[1010]

During this time she has clearly been able to categorize and to predict the costs associated with her advocacy work — the advocacy work of the offices in Prince George, Victoria and Vancouver. Clearly, there was a need to understand what the baseline requirements of her office would be, following, of course, her legislatively mandated position.

With respect to the fact that the representative requested a certain budget allocation based on her workplan, based on her service plan agreed to by this committee and legislatively mandated by the Legislature of the province, I think it is important for us as a committee, with the care and deliberation that we put to the matters before us, to reaffirm to all those who are taking care to follow this that we support the representative's budget request and that we do so visibly and publicly so that we acknowledge that the mistakes of the past are being addressed by the considered views of this committee.

With that:

[I move that the Select Standing Committee on Children and Youth express its support for the budget request of the Representative for Children and Youth arising out of this Committee's approval of her service plan and, further, that this Committee express its deep concern over the decision made by the Select Standing Committee on Finance and Government Services with respect to the Representative for Children and Youth's budget.]

R. Cantelon (Chair): I am going to refer to the Clerk of the committee for advice on how to handle this. As you know, we.... I'll let him explain.

C. James (Clerk Assistant and Clerk of Committees): Having just read through the motion, currently, it appears to me as though — and it is certainly up to the committee to decide upon this.... The motion appears to be somewhat redundant, given the fact that, I believe, Mr. Bennett has already invited or is going to be inviting the Representative for Children and Youth to return to a meeting of the Select Standing Committee on Finance and Government Services to consider the budget request.

It's entirely up to the committee how they wish to proceed on it, but on the surface, it seems to be redundant.

R. Cantelon (Chair): I think what I'm going to do and rule on that, Nicholas, is.... I think the legislation, frankly, makes it quite clear that our jurisdiction is to monitor the service plan.

First I'll take Maurine's comments.

M. Karagianis: Before a decision is made by the Chair, I would like to speak in favour of the motion.

R. Cantelon (Chair): I'm not going to allow the motion till I allow the motion to move — whether I'm going to

let the motion stand. Okay? That's a point of order. Let me just say that.

I will say that section 17 of the act makes it quite clear that our jurisdiction is to review the service plan and to recommend, or not, the service plan. I think your point, Nicholas, is very well taken, that we gave it due consideration. It was a unanimous endorsement of that plan. We did not raise any questions or considerations or try to limit in any way the scope of the plan.

But from there, it is out of our committee's hands, and it is not our role to advocate for the committee. That is the role of the Finance Committee: to take into consideration the merit of that against other requests being made of the Finance Committee. We have no role in doing that, or no effect. It quite clearly separates the service plan from the financial aspect.

I think that's appropriate. I don't think we should be in the role of both overseeing the intent and also the funding for it, so I'm going to.... Also, in consideration, a secondary but mitigating factor is that the representative has been invited to go back to the committee, so I'm ruling the motion out of order.

N. Simons: With due respect, hon. Chair, we're not asking the committee to do anything at all. We're asking this committee, where we do the deliberations with respect to our duties as a committee for children and youth.... It's our responsibility to express ourselves. We're not asking anyone to do specifically anything except to express our support for the budget as presented to us and the service plan presented to us.

[1015]

I simply would point out, hon. Chair, that as a committee we have the perfect opportunity — and, in fact, it's our duty — to express our support for the independent office that reports to us and to the Legislature. By making this statement and by passing this motion, I think we do that effectively.

R. Cantelon (Chair): Well, I've allowed the statement unfettered, and I take your point. I would just reiterate that our job is to review the merits of the plan and to endorse it, and that we did. Now we leave it to the deliberation of the Finance Committee.

With that, I move on. We do have a full agenda.

B. Bennett: I'd like to get on record....

R. Cantelon (Chair): All right.

B. Bennett: Given that the representative just referred to the committee that I chair, I think it's appropriate that I respond to that. I see the representative nodding her head, so she agrees.

R. Cantelon (Chair): All right, I'll allow one more, but we do want to move forward.

B. Bennett: Mr. Chair, I would just like to confirm that I did have a fulsome conversation with Mary Ellen yesterday, and we did end up discussing the process

for reviewing the budget submissions of legislative officers, statutory officers.

I think that, as Chair of the Finance Committee, I have learned through this process, this being my first time through it, that in the past, frankly, the committee was not given much opportunity to review budget submissions before they came before the committee. In fact, in most cases, as I understand it, budget submissions were brought to the actual committee meeting, and members had no opportunity to look at the submissions beforehand.

We did change that this time through, but I think, nonetheless, we can do a much better job of getting the budget submissions and going through them and preparing good, strong questions for the statutory officers. So the discussion that I had with the representative was focused around the committee having an opportunity, and the representative and her staff having an opportunity, to go through that budget submission in considerably more detail — take the time that, frankly, we should have taken the first time through — and see what comes from that.

R. Cantelon (Chair): Maurine, the last word.

M. Karagianis: Thank you very much, Chair. I won't belabour the point.

As the Chair has ruled that the previous motion is out of order, though, I would respectfully request whether or not the Chair will entertain a motion that this committee reiterate its unequivocal approval and support of the children's representative's service plan.

R. Cantelon (Chair): Again, I don't feel we need to reiterate it. I think we did it seriously, and I think the point has been well taken that we did it with full consideration. You've made the point; Nicholas has made the point.

We didn't do it lightly or frivolously. We did it with due consideration after a fulsome debate here. I think your point just makes that as well, and I concur that we did give it full consideration. You hear that from the voice of the Chair — that it was and that it will go forward again to the Finance Committee.

We do have a full agenda. The next item on the agenda is the election of a subcommittee on child deaths.

Election of Subcommittee on Child Death Reviews

R. Cantelon (Chair): The representative has brought it to the attention of myself and the vice-Chair that, in the interests of timeliness, there are situations where we need to respond quicker to incidents of children's deaths that need referral.

I'd open the discussion and listen to volunteers: looking at the committee, perhaps four people, including the Chair and vice-Chair. Are there any other volunteers?

M. Polak: I'd be happy to.

D. MacKay: Yes, I would.

R. Cantelon (Chair): Okay, and Maurine. I think four. Is four good with you?

M. Karagianis: Yeah, that's....

R. Cantelon (Chair): We have Maurine Karagianis and Dennis MacKay putting forth their names to appear on this committee. Can I hear a motion to appoint those four people?

Motion approved.

R. Cantelon (Chair): Now we'll move in camera and....

Yes, Representative.

M. Turpel-Lafond: Mr. Chair, just before we go to the in-camera portion, I would like to speak on the record just about this work, to give an update and then go into the specific cases. With the permission of the Chair, I'd like the opportunity to do that.

R. Cantelon (Chair): Absolutely. Carry on.

Investigation of Child Deaths by Representative for Children and Youth

M. Turpel-Lafond: Thank you. I'm pleased that we can move ahead with some of the work with respect to the area of critical injuries and deaths.

[1020]

Before we go into the in-camera portion to discuss eight cases that I would like the members of the committee to consider for referral today under section 12(2) of the Representative for Children and Youth Act, I'd like an opportunity just to speak a bit about this area of work and update you on the approach and status of matters.

I'd like to begin by quoting from the Hughes review on what the purpose of the work of the representative's office entails. Mr. Hughes said:

"I recognize that not every injury or death is preventable, but it is important to take advantage of every opportunity to learn about possible improvements to policy and practice. The systematic review of deaths and injuries is one such opportunity.

"A secondary purpose for reviewing children's injuries and deaths is one of public accountability. The death of a child who is in the care of the ministry or receiving ministry services is a rare but tragic event, and the government has a responsibility to account to the public as to whether it has met its responsibilities to that child. The purpose is not to assign blame to individuals but to learn from mistakes and understand what went wrong and what went right."

Further to that sort of lens on the work that we are engaging, as of June 1 of this past year, the jurisdiction with respect to critical injury and deaths in the representative's office was proclaimed. On November 7, I issued a public report, if you like, on the first quarter of activities in that area. I've been given copies of the report here, and I'll circulate it.

On November 7, I did a public reporting out on the number of cases and the activities in this area from June 1 to September 30, 2007. It would be my intention to report out quarterly on this activity. This is not the historic material; this is the June 1 forward component. You are receiving a copy of that now, as I speak. I don't intend to review the whole document. I just present it to you so you can see the reporting and to present an opportunity, not today but in future, for you to provide some feedback on this if you would like.

This will be something that you will be seeing as a committee each quarter as well. It's not something I'd release necessarily to the committee; it's just the public reporting part of what our activities are.

I just wanted to then notify you that in that reporting period, June 1 to September 30, our office received reportables of 69 critical injuries and 26 deaths. Each of these is reviewed and put into a category for further investigation. What an investigation is.... I'm going to speak to that a little bit this morning before we go in camera, so you can understand how this works.

You'll see from the briefing material that has been presented that our work to look at improving service delivery or addressing issues that may be there with respect to these doesn't commence until other public bodies do their function, including the Coroners Service if there's a deputy director's review or a director's case review. These have a time line — within 12 months — or none of the work proceeds until there's a conclusion of criminal proceedings. I just reiterate that to understand that the time lines here are affected by things.

Of the eight cases that we'll speak about in camera, and of these cases before us.... They fall in different categories. You will see reports from our office in the next year — in 2008. You will see which categories things are in and where they are and how they're coming forward. The subcommittee, in particular, that you've just constituted, will be able to have a regular briefing process on this. I think that's very significant from the perspective of public accountability to have that regular process.

Of these 69 critical injuries in that period, 15 of them were only very minor injuries and did not require further review. So 54 critical-injury cases remained after we took those out. Thirty-eight require some form of further investigation. Thirteen will be aggregated up and looked at together, because there's some clustering there. There are some decisions pending on some others, simply because we don't always have the information immediately.

On the area of injuries, it's important for me to note — as I noted in the Hughes review progress report — that the reportables that I receive as the representative depend on the, if you like, integrity and comprehensiveness of the reportable process inside the Ministry of Children and Families.

[1025]

It may be the case that in some areas where contracted service providers are serving a child — say, the child and youth mental health area — there may not be reportables. So I may find out about a death from a

Kimble, which is a report from the Coroners Service, not from the ministry.

The reportable process is something that we, as I suggested in the Hughes review report, need to strengthen. At this point these are the ones that we are receiving, but I can't say for certain that there aren't more that we didn't receive. I just make that point. We'd like to strengthen that process, and we're working with other public bodies like the coroner, Public Guardian and Trustee and, of course, the provincial director for child welfare to try and strengthen that process. I can speak more to questions in that area if you have them.

Of the fatalities, the deaths.... There are 26 deaths in that period. Seventeen were natural deaths of children with serious medical conditions. Those are matters that I wouldn't look at. They may be looked at by the Coroners Service in terms of the general review of child deaths. They may look at them if they have some patterns and what have you. With respect to my work, we're really looking at the service delivery component and trying to evaluate that with respect to children who are vulnerable. Of the nine remaining, they will be further investigated.

That just gives you a very brief update with more detail included on the work of one quarter. At the end of January or the beginning of February I will report out on the next quarter on where we are.

Today what I wanted to speak to briefly was, in terms of this workload, how the various components are evolving. This is the current workload; then there is the historic period.

The historic period, as you know from previous discussion at this committee — although I respect the fact that the committee has some new members now.... The Hughes review suggested that the chief coroner look at cases and, once the representative's office was established, refer cases to the representative from what we can call a period from about 2002, if you like, to 2006 or 2007, and see what happened in that period — if there are some cases that require review.

When we go to the in-camera session today, I will ask you to refer three cases to me. Three of the eight cases are cases that have been brought to me by the chief coroner specifically pursuant to that. The chief coroner advises me that there are likely additional ones. I was hoping that by the end of the year I'd have all of the historic completed, but it's dependent on other public agencies and bodies.

Within the Coroners Service there may be some delays. Whether it's simply because of forensic pathology or what have you, they have some delays. But the chief coroner indicated to me yesterday that there will be some additional cases, so this is not necessarily the entire package. There may be a few more. I put that out.

The other historic cases that came forward are ones that happened in the period from when the Representative for Children and Youth Act was presented and from when our jurisdiction commenced in June, so there are some of those cases as well. That's what I mean by historic cases.

Obviously, we want to look forward and deal with the real-time reportables, but there are some key ones that need referral. I can say to you that of the first four that the committee referred to my office — the four historic deaths out of the north — the four inquests have now been concluded, the last one being the inquest into the death of Savannah Hall.

The work on preparing a report to you on these historic deaths is well underway. In fact, we've been meeting with the ministry and have a multidisciplinary team of experts which will be reviewing these four cases at the end of this week. We are looking forward to reporting to you ideally, depending on your availability, in February on the first report, in which we've aggregated the four you've referred to us into one report.

That report will include a fairly precise evaluation of the time lines with respect to recommendations and changes and so on. It will also look at some general issues with respect to the area of reviewing, learning from experiences, adopting recommendations and how the system functions in that regard with a view to the future. That's well on track.

These other transitional cases from Coroners Service referral, etc., we will need to address today. In terms of critical injuries, as the committee members know, review of critical injuries is something that was added to the mandate after the Hughes review. It's a significant area and one, certainly, that Mr. Hughes in his report indicated could be extremely valuable from a perspective of service delivery.

[1030]

You did refer one critical injury case to me. That is underway, except that it has been somewhat delayed because there are criminal proceedings that will not go forward until probably the end of 2008. That report will likely not come forward until 2009 because of criminal proceedings, but you will see that historic come through. The other injury matters are under review and investigation.

I want to speak briefly, then, about what the methodology is of this work. We have a policy framework that is under development that explains what we mean by investigation, review and so forth. At some point it might be of value to share that with the committee, and that will become a public document posted on our website as well. Some of that policy development involves interlocking and interfacing our approaches with other public bodies.

When we look at the ages of children who have been injured or have died, we want to make sure that we select categories that are consistent with vital statistics, the best data collection approaches in the field, and that there are appropriate data comparators. If we're looking at perhaps vulnerable children, we can understand what the situation is for all children in British Columbia and so on.

There is some integration required here by the Coroners Service, by our office and by the ministry so that we are speaking a common language. This has been a very important piece of work. We're not 100

percent there yet, but we are working with other public bodies to get there. I think we will be there within 2008.

From our perspective in the representative's office, the lens that we take is one of service delivery. It's an approach that doesn't seek to blame individuals or whatever, but it seeks to improve the system of supports for children and families as is seen to be necessary and with the involvement of leading experts in the area.

Some of the cases will be examined individually, some will be examined very intensively, some will be examined less intensively and some will be aggregated up for higher-level observation on some recurring trends and issues.

Just, again, to talk about the method. I appreciate that, for some people, they may think every case will be examined. Well, these cases may have been examined from a different lens by different public agencies before the representative office looks at it. There might be an issue of criminal responsibility evaluated by the criminal justice system. There may have been an issue of practice evaluated by a director's case review. We can then look at how all of that happened, what was learned from it and if there are broader service delivery issues.

If there are lessons to be learned for the child-serving system, our goal is to find those lessons and to disseminate them as widely as possible in a very accessible and collaborative fashion so that we can make some changes, as necessary.

I will come to the subcommittee and to this committee periodically with the analysis and observations and recommendations on individual cases and aggregated cases. In addition to the Ministry for Children and Families, I'm sure that you would want to hear from, in the future — I certainly recommend this as we get into it, say, after February, and I've recommended it before — perhaps the Ombudsman, the public health officer, the coroner, the Public Guardian and Trustee, CLBC, perhaps aboriginal agencies — others who will have an impact on the service delivery issues that may be addressed in some of the reports.

If I understand it correctly, recommendations that I would bring forward to this committee would be reviewed, accepted or not accepted, and then forwarded on to the Legislature.

It would be my intention, in every instance, to follow-up on the recommendations adopted by this committee, which, as I see it, means sending to a ministry or relevant agency the recommendations for implementation and then reporting back to the committee on how that process is going. Obviously, they could be invited, as well, but then following to report back on how it's going and if practice has actually improved in terms of the recommendations that might be put out there.

These types of follow-up studies are done, as you know, in a lot of various agencies, such as the B.C. Auditor General. I know change can take time, but I certainly feel that a year, or two years in some cases, should be sufficient for a report to come back and indicate to the committee on how implementation is proceeding

around some of these recommendations to improve the system.

[1035]

Some follow-up studies may also be presented in due course. We're not thinking about 2008 but perhaps 2009.

I think with respect to the subcommittee, certainly a lot of the meetings to discuss some of the details of that can happen at a subcommittee basis so as not to overburden the work of this committee, because some of this is detailed.

I certainly am pleased that there has been a subcommittee appointed, and I'm pleased to describe the nature of the work to you and the methodology. I would just say that the nature of the work can be very difficult for some people, and I also appreciate that — for members of the committee.

We will go in camera. Of course, these are difficult cases. I recognize that people that serve on the subcommittee in particular will do some very heavy lifting around this — if nothing else, just by the nature of the subject matter.

With that, Mr. Chair, unless you would like questions on the record with respect to it, I am prepared then to go in camera at your direction.

R. Cantelon (Chair): We have at least one question on the procedure.

J. Rustad: I just actually have one question with regards to the critical injuries. Critical injuries are those that are life-threatening or cause serious or long-term impairment to the child's health. When you reviewed, you noted that 15 critical injury cases involved only minor injuries and did not meet criteria for further review.

I'm just wondering: is that a case, in those 15, of perhaps just being overly cautious in terms of reporting injuries under critical? It just seems to be.... You know, when 25 or 30 percent of the cases didn't necessarily fall under critical review, it just raises a question for me.

M. Turpel-Lafond: It's the methodology in some of the areas for injury reporting. The role of the representative's office is only to look at the serious injuries, meaning ones which will have a long-term impact.

So if someone breaks their arm — for instance, an accidental fall and a fracture — and it's reported up, it may not have long-term impact. So we look at it from those lenses. It's part of the accountability process within the system, but we have to select a smaller group, which is the serious ones that posed a potential to have a long-term impact on children and youth.

L. Krog (Deputy Chair): Forgive me, but can you just again go over some remarks you made earlier around the issue of deaths being reported to your office? Children who are in care but under contract — those are not reported as a matter of course to you. They may come to you from the coroner's office or something like that. Am I misunderstanding what you had to say earlier?

M. Turpel-Lafond: No. What happens with respect to injuries and deaths — and it's something I reviewed a bit in the update on the Hughes review around recommendation 33.... That is, services may be provided to children and youth through contracted service providers, and in some areas there are some challenges.

As I say in the report, there are continued challenges in reporting incidents, as many of the children who receive these services from the contracted service providers are not necessarily electronically linked to MCFD. So they may not send in a report, or the report may not come in a timely fashion.

Then there are some areas where there are not reportables, such as injuries of children in the youth justice silo. There are no reportables there now. Children in the home of a relative has become a designated area for us. There are no reportables around critical injuries or deaths there.

So there are some areas where we are looking at strengthening that network of reportables. I think what I would do from time to time is update you on that. But as you can see in the Hughes review, because it is driven very much by the concept in Hughes that there should be a linked.... There shouldn't be separate service silos inside the ministry that do not link together around the reportables.

So in that area it may happen that a child is served, we receive a death report from the Coroners Service, and then we inquire later and discover that they were served by a contracted service provider and a report had not yet been filed — or would be filed.

I can speak to that in a more specific way around the in-camera referral of the eight cases today.

N. Simons: I think this is an issue that probably needs some serious discussion because what we know the legislation says is that any child who has received services within a certain period of time.... That includes contracted services very specifically, especially if they're contracted services under the auspices of the Ministry of Children and Families.

[1040]

So if the ministry refers a family or a child to a particular program and then closes their file with some sort of assumption that it's been dealt with, those are files that previously would have stayed open, and those are previously, I believe, files that should something bad happen would have been brought to the attention of the ministry because they would have had an open file.

My question is: if it's a ministry-contracted resource where a child was receiving services, how is it that that injury or death wouldn't be reported immediately? Would the ministry not already have that information even if it was a contracted agency that was providing the service, because that was presumably referred by the ministry?

M. Turpel-Lafond: I think the answer to the question is that with respect to children and adolescents, for the children that are in care — like in continuing care — there would be a reportable process that's there. It's for

the children that are not in care but maybe have come out of care or are on the edges of that system and are served or perhaps have a family development response, etc. Those are the ones where the reportables are not as strong at this point as perhaps they could be, and I think that's an area where our office can work with the ministry and others to see that that is strengthened.

But the data-linking piece is a significant piece so that the reports can go in immediately, so it's not a fax that's sent and doesn't get to the proper destination. Of course, for many of these children, they are moving around the province, and so these are other challenges.

As I identified in the review on Hughes, you know, we need to continue to strengthen it, which is why I can't simply come today and say that this is everything that's out there in the package, because they may still come forward.

My view around the historic is that I would only bring forward those with really clear service delivery issues or those referred specifically by the Coroners Service.

N. Simons: Or the committee.

R. Cantelon (Chair): Before Mary has the floor, it is reviewable services, which I'm sure you're aware — services or programs under the Child, Family and Community Service Act, the youth act, mental health services for children, addiction services for children and additional designative services. It is any programs that are MCFD.

M. Polak: Two questions. First, with respect to the topic we were just covering. What I'm hearing from you is that part of the challenge is with respect to, I guess, information silos, if you will, around who owns the data around children. Is that something where we are potentially needing to address legislative change, or is it more a matter of the technology? What's the main struggle with respect to addressing that?

M. Turpel-Lafond: Again, this is something that's addressed in the Hughes implementation report. I think the challenge is just simply to work with greater urgency to do the data-linking around the deliverables in terms of contracted service providers to be sure that that's built in and around the audit review and performance of how these things are done to ensure that they're audited and reviewed and if there are concerns, that they're addressed. I think when we go to the in-camera portion, you can perhaps get a better example through some concrete cases around where there are challenges and how we might address it and some of the reasons why some of those cases may provide that opportunity.

M. Polak: The second question is just with respect to your description going forward around various agencies, etc., that the committee may wish to call in. I would be, I guess, interested to hear your thoughts with respect to what type of criteria the committee

ought to consider when looking at who ought to be involved in that.

M. Turpel-Lafond: Yes. I think that I've said this to the committee before, and I've mentioned this to the Chair and the vice-Chair in our discussions about the proceedings of the committee. I do think it would be of value in the new year to have the members of the Children's Forum — which includes the chief coroner, the Public Guardian and Trustee, the Ombudsman, the director of child protection and the provincial health officer — attend at a meeting.

We are working to present to this committee, basically, a review of the area of children's injury and death in British Columbia so that you can see how all the various pieces work together. As part of a public education component, as well, that report might be taken by this committee and placed before the Legislature so that there is an understanding of how the pieces fit together.

[1045]

We had a meeting of the Children's Forum yesterday. The members are interested in coming forward, and I think that it is a piece of business that will be really valuable. We wouldn't necessarily talk about specific cases, but we would explain how we see the system working and how we are building it to be functioning at the strongest possible level.

M. Polak: Sort of laying out the model.

M. Turpel-Lafond: Yes, laying out the models of what happens by ministries, by coroners and by others — how these matters are reviewed and what the public accountabilities are across the board, including the accountability to this committee.

R. Cantelon (Chair): Once again, I'll give the last word to Maurine. As we move in camera, I'm sure the specificity....

M. Karagianis: Just a short question. Mary Ellen, when talking about the youth justice system, you very specifically made the comment that critical injuries, etc., are not referred now — inferring that that had been done previously.

If, in fact, that particular group is being left out, do you have recommendations on how we can recapture them? I think that's a very important sector and often a group of very vulnerable individuals. I would be very concerned that somehow we are no longer capturing that group in any of the reporting and considerations.

If there are some recommendations.... I mean, I think that's probably a very significant piece of legislative change that we should look at.

M. Turpel-Lafond: I would just say that I don't believe it requires any legislative change. It's just the matter that in the youth justice system, deaths are reported, and we are looking at that piece.

It's the injury part. The injuries are not reported, and that is an area which I've asked the ministry to evaluate

and strengthen. I will continue to meet with them to see that that's included and will report back to you on it. That, again, is in the Hughes progress report. At this point it's not there, but I'm hoping that through the next number of months we'll be able to report back that it has been strengthened.

The issue of not only the reportables, but a common and an integrated review tool, is also a very significant piece of the work. I'm sure I can update you on that more fully once we have some progress to report there.

R. Cantelon (Chair): Thank you. As we move into camera, I'd just remind that part 4 of "Reviews and investigations of critical injuries and deaths" requires: "After a public body responsible for the provision of a reviewable service becomes aware of a critical injury or death of a child who was receiving, or whose family was receiving, the reviewable service at the time of, or in the year previous to, the critical injury or death, the public body must provide information respecting the critical injury or death to the representative for a review under subsection (3)." So the act, I think, is clear in its direction.

Do I hear a motion to go in camera?

The committee continued in camera from 10:48 a.m. to 12:07 p.m.

[R. Cantelon in the chair.]

R. Cantelon (Chair): Yes, I'd like to call the public session of the Select Standing Committee on Children and Youth to order. We proceed in public, in open session.

Do I hear a motion to rise and report?

B. Bennett: I just wanted to report to this committee that the Select Standing Committee on Finance and Government Services will meet this Friday morning at 10 a.m. We'll take whatever time is needed by members to ask the in-depth questions that they have and for the representative to have ample opportunity to respond. I'm estimating probably an hour or maybe a little more than that for that meeting.

R. Cantelon (Chair): Thank you. I believe that's a public meeting, too — is it not?

B. Bennett: Yes, it is.

R. Cantelon (Chair): I believe Craig has the motion.

C. James (Clerk of Committees): The motion is similar to a motion moved previously. Pursuant to its terms of reference, the Select Standing Committee on Children and Youth refer to the Representative for Children and Youth for investigation the deaths of children in the following eight cases: H.L., T.S., J.T., G.S., S.J., I.T., D.C. and B.F.

R. Cantelon (Chair): Any discussion?

Motion approved.

R. Cantelon (Chair): We've heard that we'll be meeting again, or have the expectation of meeting again, towards the end of January, early February. The vice-Chair and I will be talking to the committee members regarding how that works with their individual schedules, but you can count on a meeting somewhere before the next session of the Legislature.

N. Simons: Hon. Chair, may I...?

R. Cantelon (Chair): Yes.

[1210]

N. Simons: Thank you for your indulgence. I just want to make sure that the members of this committee.... As the legislative committee with some oversight of the representative's work, we obviously need to know that the representative is adequately resourced to do the many tasks that we and the legislation have assigned her and her office.

The meeting on Friday.... I don't want to presume any particular result. However, should the occasion arise where we will be left wondering about the representative's service plan and her ability to effectively carry out her duties, is there a possibility that we may have to reconvene at an earlier date? If so, how do we address that issue?

R. Cantelon (Chair): Let me address that. I think we don't want to anticipate what the meeting may have, but it's certainly encouraging that the Chair of the Finance Committee has summoned the representative to give another review of some of the concerns that were raised in the issue.

Now, should it happen that in discussions with the representative, it's required to amend the service plan according to available resources, then we would carry on from there. Let's see where we proceed from Friday and go from there. Yes, it may require a meeting sooner than that. It may.

Val had a comment.

V. Roddick: Yes, I did. I just feel, as a new member to this committee, that regardless of our backgrounds or our political leanings, this group here really has nothing but the children at the basis of this committee. We need to deliver for these children. I think that that's what basically is all our goal.

I think that if we need help, we'd like to be able to feel confident in asking you for help and also that we would feel confident in each other, that we all have the same goal in mind and that we can — and actually will, hopefully — achieve what we're setting out to do here.

R. Cantelon (Chair): Thank you very much, Val. Very well said and very appropriate.

I hope you enjoy your holidays and perhaps spare some time for reading the kind gift that Gordie Hogg was so gracious to give us all, giving some background on the history.

With that, we'll hear a motion to adjourn.

N. Simons: Have we called new business?

R. Cantelon (Chair): Yes, if you have new business.

Other Business

N. Simons: I'm wondering if the committee will be discussing when we will be able to meet with representatives of the ministry, as we had previously expected that that would occur. I'm wondering if we could perhaps set some sort of plan ahead for that.

R. Cantelon (Chair): I will ask the representative as to how they are proceeding and to give us some indication when that might happen.

N. Simons: Just to be clear, I wasn't asking.... It's simply for the committee's purpose — to meet with, perhaps, the representatives of the ministry.

R. Cantelon (Chair): My expectation is that that would happen, again, sometime before session. I should have included that. But maybe the representative can comment on progress.

M. Turpel-Lafond: Just on that point, I think it's up to the ministry to commit to when they will attend. We have had discussions around the Hughes review, and I can report that I think those discussions will be valuable. When they do have an opportunity to come forward in the new year, it may allow us to focus on some of the priority areas that the representative's office has identified as areas requiring immediate attention.

N. Simons: Thank you, Chair. I move to adjourn.

R. Cantelon (Chair): Thank you. I hope everybody has a good holiday and safe travel home. Take a break. It's a hard job that we do. Enjoy your holidays with your family. With that, I'll call for the question.

Motion approved.

R. Cantelon (Chair): The meeting is adjourned.

The committee adjourned at 12:14 p.m.

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