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REPORT OF PROCEEDINGS
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SELECT STANDING COMMITTEE ON

CHILDREN AND YOUTH

Victoria

Tuesday, November 17, 2009

Issue No. 2

JOAN McINTYRE, MLA, CHAIR

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**SELECT STANDING COMMITTEE ON
CHILDREN AND YOUTH**

Victoria

Tuesday, November 17, 2009

- Chair:* * Joan McIntyre (West Vancouver–Sea to Sky L)
- Deputy Chair:* * Maurine Karagianis (Esquimalt–Royal Roads NDP)
- Members:*
- * Stephanie Cadieux (Surrey–Panorama L)
 - * Marc Dalton (Maple Ridge–Mission L)
 - * Douglas Horne (Coquitlam–Burke Mountain L)
 - * John Rustad (Nechako Lakes L)
 - * Jane Thornthwaite (North Vancouver–Seymour L)
 - * Mable Elmore (Vancouver–Kensington NDP)
 - * Leonard Krog (Nanaimo NDP)
 - Nicholas Simons (Powell River–Sunshine Coast NDP)
- * denotes member present
- Clerk:* Kate Ryan-Lloyd
- Committee Staff:* Josie Schofield (Manager, Committee Research Services)
-

- Witnesses:*
- Jeremy Berland (Deputy Representative, Office of the Representative for Children and Youth)
 - Mary Ellen Turpel-Lafond (Representative for Children and Youth)

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MINUTES

SELECT STANDING COMMITTEE ON CHILDREN AND YOUTH



Tuesday, November 17, 2009

8 a.m.

Douglas Fir Committee Room
Parliament Buildings, Victoria, B.C.

Present: Joan McIntyre, MLA (Chair); Maurine Karagianis, MLA (Deputy Chair); Marc Dalton, MLA; Mable Elmore, MLA; Stephanie Cadieux, MLA; Douglas Horne, MLA; Leonard Krog, MLA; Jane Thornthwaite, MLA; John Rustad, MLA

Unavoidably Absent: Nicholas Simons, MLA

1. The Chair called the Committee to order at 8:06 a.m.
2. **Resolved**, that the Committee meet in-camera to consider child death and critical injury referrals (John Rustad, MLA)
3. The Committee met in-camera from 8:10 to 8:44 a.m.
4. **Resolved**, that pursuant to the Committee's terms of reference, the following cases be referred to the Representative for review and/or investigation: the death of C.A.; the critical injury of A.O.; the deaths of three children referred to as E.C.; and the death of A.T. (Maurine Karagianis, MLA)
5. The Clerk Assistant and Committee Clerk briefed the Committee on the mandate, responsibilities and work of the Select Standing Committee on Children and Youth.
6. The Representative for Children and Youth provided an overview of her mandate, responsibilities and the work of her Office.
7. The Representative presented the *2008/09 Annual Report of the Office of the Representative for Children and Youth* and *2010/11 – 2012/13 Service Plan for the Office of the Representative for Children and Youth* to the Committee for review and answered questions.
8. **Resolved**, that the Committee receive the *2008/09 Annual Report of the Office of the Representative for Children and Youth* and *2010/11 – 2012/13 Service Plan for the Office of the Representative for Children and Youth*. (John Rustad, MLA)
9. The Committee adjourned to the call of the Chair at 10:02 a.m.

Joan McIntyre, MLA
Chair

Kate Ryan-Lloyd
Clerk Assistant and
Committee Clerk

TUESDAY, NOVEMBER 17, 2009

The committee met at 8:06 a.m.

[J. McIntyre in the chair.]

J. McIntyre (Chair): Good morning, everyone. I'd like to start off with some introductions. We have Mary Ellen Turpel-Lafond, who is the Representative for Children and Youth, and several members of her staff with us this morning: Jeremy Berland, John Greschner and Cory Heavener. Welcome.

Why don't we just go around the room and the committee members can introduce themselves as well, by name and constituency. It's our first official meeting of the committee, and we have a number of new members of the committee, so I thought it might be worthwhile. So maybe, Maurine, if I could start with you.

M. Karagianis (Deputy Chair): I'm Maurine Karagianis. I'm the MLA for Esquimalt–Royal Roads and Deputy Chair of this committee.

L. Krog: Leonard Krog, the MLA for Nanaimo.

S. Cadieux: Stephanie Cadieux. I'm the MLA for Surrey-Panorama.

J. Thornthwaite: Jane Thornthwaite, MLA for North Vancouver–Seymour.

D. Horne: Douglas Horne, MLA for Coquitlam–Burke Mountain.

M. Dalton: Marc Dalton, Maple Ridge–Mission.

J. Rustad: John Rustad, Nechako Lakes.

J. McIntyre (Chair): And I'm Joan McIntyre, West Vancouver–Sea to Sky, and am actually a new member of the committee myself and newly elected Chair.

I just wanted to make a few remarks as we start off on this adventure. I'm very humbled by the opportunity to serve a committee that deals, of course, with such a sensitive subject — literally life-and-death issues. I'm very hopeful that we'll work together collaboratively, in the spirit of the Hughes report, to address some of the very real challenges that continue to face our child welfare system.

One of our mandates is to contribute to greater understanding among both the public and legislators of our system, and I sense even to build and perhaps restore public trust. Ideally, I really believe we need to take the politics out of these issues, not to exploit or score political points but rather to work generally on improving the system for those youngsters at risk, who, of course, are the most vulnerable in our society.

We are the Children and Youth Representative's conduit to the provincial government, and we need to be very respectful of that role and of the recommendations they bring to us. But I also believe that we have a duty to the Legislature to ensure that the office is working within its legislative mandate and is using its allocated resources, I guess, most efficiently and with appropriate emphasis on the key functions that will make the most impact and greatest difference to improving the quality of life for our youngsters.

Members, I say this is our committee, and I fervently hope that we'll make the very best use of it over the coming months and that we can, as I say, work generally together to improve the quality of life of those most at risk.

With that, as a starting point, maybe Josie could help us out. I thought that I would distribute the UN convention on the rights of the child for all of our reference. I thought it was a noble starting point.

So I think all of you have an agenda in front of you, hopefully, because I'm going to ask that for one of our first items, the most sensitive item, we will have to go in camera, which is a discussion on the referrals for the death and critical injury reviews. So I'd like a motion to go in camera for that discussion, please.

The committee continued in camera from 8:10 a.m. to 8:44 a.m.

[J. McIntyre in the chair.]

J. McIntyre (Chair): Now we are back in public, so if I could have a motion for the referral...?

M. Karagianis (Deputy Chair): I move that pursuant to the committee's terms of reference, the following cases be referred to the Representative for Children and Youth for review and/or investigation: the case of the death of C.A.; the case of critical injury to A.O.; the three cases of death of E.C.; and the death in the case of A.T.

I so move.

Motion approved.

[0845]

J. McIntyre (Chair): If we could return now to the agenda items. We're at item 2. Again, I'm sorry. We're a little mindful of the time, because we have the reports we want to review. I've asked the Clerk, Kate Ryan-Lloyd, to assist... I thought it would be helpful, again, because so many of the committee members are new. I've asked Kate to just give sort of a very brief overview of the committee and where we've come to date.

Then item 3. I've also asked the rep if she would kind of give us an overview as well — although, Mary Ellen, if you don't mind, I may ask you to condense yours a little just to get us back on track.

Work of the Committee

K. Ryan-Lloyd (Clerk Assistant and Committee Clerk): Good morning, everyone. As the Chair has mentioned, I will try to give members a very brief overview of the work of your committee over the last number of years.

The creation of this committee and its status as a permanent committee of the House, and one with very significant responsibilities, was of course recommended by the hon. Ted Hughes in his report on the provincial child welfare system, which was released in April of 2006. The second chapter of the Hughes report, which we have provided you all today, essentially lays out his recommendations for a new system of external oversight for the child welfare system.

The key elements of his second chapter call, of course, for the appointment of a new statutory independent officer of the Legislature, the Representative for Children and Youth, and a new Select Standing Committee on Children and Youth, to which he said that the representative would report at least at minimal on an annual basis.

As recommended by Mr. Hughes in his report, the Legislative Assembly appoints an individual to serve as a representative following a unanimous recommendation by a special committee of this House, as was the case in 2006 when Ms. Turpel-Lafond became the province's first representative in November of that year.

Also in 2006 in July we had the first meeting of this committee. The committee has met on a fairly regular basis throughout 2007 and 2008. However, due to the recent provincial election, this is only the second meeting of this committee for this calendar year.

In Mr. Hughes's report he stressed that the relationship between the representative and the committee should be a collaborative one. It was his hope that the role of this committee would help to foster a greater understanding of the child welfare system — a greater understanding amongst elected officials, legislators and the public as well. He also hoped that the committee would provide a constructive forum for the government and the opposition to work cooperatively together to address the challenges in the child welfare system.

We have distributed a number of materials on your desks today, which give us an overview of the significant responsibilities and powers of this committee. Beyond those, I think it's also important to note that like all parliamentary committees in British Columbia, this committee retains substantive powers as well to invite witnesses to the table and to summon evidence, if required, to support your parliamentary duties.

This committee's specific responsibilities and powers and its working relationship with the representative are outlined in two sources in front of you. We have provided you with a copy of the Representative for Children and Youth Act and also with the committee's own terms of reference.

The statutory responsibilities of the committee are essentially related to key sections in the act, which I'll just highlight very briefly. Sections 4 and 5 deal with various administrative matters relating to the appointment of the representative. Section 12 deals with the referral of critical injuries and/or child death cases to the representative. Section 16 discusses the representative's reviews and investigations. Section 17 is review of the service plan, which is also on the agenda later this morning.

Section 30, which I believe is one of the final sections, has this committee playing a review role five years after the enactment of this act. So by the year 2012 we would anticipate that a review of this act would be undertaken by this committee.

The second source to guide your work is the terms of reference that has been issued by the House. The terms of reference is on your desk as well this morning. I won't go into all of the details of that, but I will make a couple of brief comments with respect to the various elements of the service plan.

[0850]

With respect to the service plan, the committee is obviously charged to review and receive the representative's three-year plans, and as will be discussed shortly, the plan will include organizational goals and performance targets.

However, I think it's also important to note that like the other independent statutory officers, a different parliamentary committee, the Select Standing Committee on Finance and Government Services, is ultimately responsible for approving the representative's budget proposals that are required from her office to implement the service plan.

With respect to the referrals for investigation for child deaths and critical injuries, I will note that the committee certainly has the authority to make referrals, to the representative, for the cases, as just transpired a few minutes ago.

I would note, for the record, that committee members previously have held that the primary responsibility for identifying and investigating cases would rest with the representative. Although the act enables the committee to initiate referrals from their end, the committee has held previously that they would defer to the representative for her recommendations in that area.

The committee has only referred, to date, 14 cases of child deaths and one critical injury, prior to the meeting today. These incidents typically occurred prior to the enactment of the representative's legislation in June 2007. To date, I understand that the representative has completed eight reviews, five have been publically reported out, and two deaths are still under review. Perhaps we'll defer to the office if I have somehow overlooked any of the status of those ongoing reviews.

Finally, I would just note that the committee's other role is, of course, to provide a public forum to review the

reports prepared by the Representative for Children and Youth that are tabled by the Speaker in the Legislature. The representative regularly appears before the committee to discuss her reports in a public forum, and members, of course, from both sides of the House have an opportunity to ask questions.

The committee may make recommendations, if it so wishes, for the House to request any kind of action on behalf of government as a result of the deliberations here. Officials from the Ministry of Children and Family Development also regularly appear here and may respond to questions from committee members and provide updates as appropriate.

That essentially, I hope, gives you a very brief introduction to the work of this committee over the last few years. I'd be pleased to turn the mike back to the Chair in case there are any comments or questions from members.

J. McIntyre (Chair): Thanks very much, Kate.

Any brief questions? Okay. With that, I'd like to go on to item No. 3 and ask Mary Ellen Turpel-Lafond to give us an overview of her work, of the work of the office.

Office of the Representative for Children and Youth: Overview

M. Turpel-Lafond: I think I'm going to abridge my comments under this area so we ensure that we have adequate time to discuss the service plan and the annual report.

Just a very brief update with respect to my office. I have with me — he was introduced to you today — Jeremy Berland. Jeremy has been with the representative's office for 11 months, and he was appointed as the deputy representative on September 1 of this year. I had an acting deputy representative for a period of time, Mr. Bill Valentine, who would have appeared with me before. Jeremy Berland is now filling the position of deputy representative.

I bring that to your attention because the qualifications for that position are prescribed in the act. I just make a note, for the record, that Mr. Berland, who may be known to some of you here, has a 30-year distinguished career in the area of child welfare and child and family-serving systems in British Columbia. He is a former provincial director of child welfare as well, so he brings enormous strength to this position and certainly fulfils and exceeds the requirements set out in the act of having experience in this area.

With respect to the operations of the office, since November 26, 2008, which was the last sitting of this committee under the former parliament, there have been a number of major reports that have been tabled with the Speaker. Some of these reports I will be asking for further discussion and deliberation on, in particular because some of the reports contain recommendations

that will be matters of interest, I believe, to members of the committee, and it would be significant for me to be able to update you on those. I'm not going to do that, of course, today.

I can also say that there is quite a volume of work, so I do appreciate that the Chair and Deputy Chair and members of the committee will have to decide how to proceed with that work. I am, of course, at the disposal of the committee with respect to how that will be addressed in the months ahead.

[0855]

I will just very briefly highlight those for the record. First of all, there was a 2008 progress report on the implementation of the Hughes review that was tabled with the Speaker on December 11, 2008. That was the second report of this office on progress and implementing the 62 recommendations in the Hughes review.

I would note, just by way of telescoping into the future, that a third report on this topic will be brought to a meeting of the committee, I hope, in the new year. That third report on the implementation of the Hughes review will be, I anticipate, unless there's further direction from this committee, the final report that I will prepare on that topic. Not final because all of the recommendations have been implemented, but final in that I'm not sure there is further value in the work of the representative addressing some of those recommendations.

The next report that was tabled with the Speaker, but which will require some discussion with this committee, is a report called *Kids, Crime and Care*. That is a report that was tabled with the Speaker on February 23. I know you've all received copies of it. It looks kind of like this.

This is a significant review of the youth criminal justice system in British Columbia — indeed, the largest review of a youth criminal justice system anywhere in Canada. That was done with myself and in partnership with the provincial health officer, Dr. Perry Kendall. I would note that Dr. Kendall and I occasionally do joint reports on large cohorts of information.

We will take a large cohort of children and understand better their circumstances. In this case, in the justice report, we looked at all children born in 1986 who were attending school in 1997-98. So that was a cohort of over 50,000 children. We do that to get a better understanding of the well-being of groups of children and to understand what children are at risk. Are systems being designed to support those children most at risk? And so on. This is the type of evaluation you'll see.

This is very important work that is done — really, uniquely to British Columbia, although I can say, in my meetings with the children's advocates from across Canada, that they have a great deal of interest in this, and they are trying to pursue it in some of their jurisdictions as well. It is important to present, I think, to this committee and to the public an accurate picture of how well children are doing in British Columbia across the board.

That piece on the justice system is an important piece but also has some recommendations. I think it would be valuable to speak to it briefly later, simply because we have had some very positive progress on some of those recommendations, particularly around the education system. I'm very pleased about the uptake of some of those recommendations in the education system.

Having said that, there is much more to be done for some of these most vulnerable and aboriginal children in addressing the circumstances that raise their criminogenic risk profiles.

The next report is one that I feel we need to have a fairly significant discussion on, because it is an important report and the presenting issues uncovered in this report are issues of great significance, I feel, to British Columbia around the well-being of children. That's the report that I tabled with the Speaker on July 28, 2009. It's a report called *Housing, Help and Hope*.

This is a report of an investigation into the critical injury of a first nations child. The report looks at systemic issues of poverty, housing and lack of coordination in addressing the needs of a young and vulnerable family — in this case, an on-reserve first nations family taken off reserve.

The recommendations in the report, I think, are extremely important for this committee to look at. I say that because the issues, some of the main presenting problems, if you like, for the children whose cases I deal with as an advocate in the child injury and death review side and in monitoring the system.... Many of those children are children experiencing intergenerational poverty or sudden poverty in their families.

So these issues around poverty, how children in poverty and their families are served, whether they receive supports and if those supports are adequate, are important. In this instance, it's an investigation of a case where a child, instead of the family receiving supports, was taken into care.

There are some, I think, valuable lessons to be learned from this very detailed front-line investigation on how problems will arise in social-serving systems if the child welfare system becomes a default system, instead of having supports for families around housing and so on, particularly families in poverty.

[0900]

I really do urge that we have a full discussion of this and a full consideration of recommendations. I would say on that point: this report was a report that I was very happy with for another reason. That is, one of the views of Ted Hughes, when he did the *Hughes Review*, was to try and de-politicize these issues for children and for families in British Columbia and for British Columbians — in particular, not to sometimes wreak more havoc in the lives of these families.

In this instance, when I reported on the serious injury to this child, I particularly asked the media and the press

not to reveal the identity of the child. The child is not identified in the report, and I asked them not to do it. It would not have been difficult to do it, had they decided to. They, however, fully cooperated not to do that.

I think that was a very significant — I don't want to call it concession — progression, I would say. Instead of taking the case of a family and really, perhaps, exploiting their circumstances and telling the story with photos and all of these other things, they were very respectful to report on this report, and really, I think, put it in the hands of this committee to look at and work together on an issue that is of fundamental importance to British Columbia's children, and that is poverty. As members of the committee will know, British Columbia has, for six years, had the highest rate of child poverty.

In my investigations and reviews, I am seeing these issues of coordinating at the front line of the system between various ministries and so on as a primary issue. This report, I think, will give us an opportunity to look at it. You may wish to call other witnesses. You may wish to delve into that issue deeper, and I certainly look forward to a discussion on that at some point in the future. This report and its recommendations require some public review by the committee because it is of that importance.

The next report is a report called *Honouring Christian Lee*, which I tabled on September 24, 2008. Christian Lee was named in this report because his immediate family was murdered after his father murdered them and committed suicide. This is a report into a family's experience with domestic violence and lethal domestic violence directed, as well, at a child. This report, I think, deserves significant discussion by the committee, as well, because one of the other main presenting problems, in addition to poverty, that families experience includes violence and domestic violence.

Both of these areas are areas where the policy framework, the response, the well-being of children deserve a broader public discussion and understanding as well as responding to some of the recommendations.

In the case of Christian Lee, there is an inquest outstanding. It's perhaps instructive for members of the committee to know that when I have authority to investigate, I must give the coroner a year to complete their work. If that work isn't completed, I can go ahead. This was, in part, because there was a concern in the past, when Mr. Hughes reported, that child deaths do not just end up in limbo for years and years without being investigated.

So this report has come out. The coroner's inquest, I understand, will be completed sometime in December, so I think that it might be timely to have a look at the recommendations in this report at some point after that. I don't imagine we'll be getting to it before that, in any event.

But the issues around family violence are crucial. There have been quite a number of homicides related to domestic violence, including affecting children. In the

active review and investigation phase of my office, I have four other homicides. So you will be hearing more about domestic violence from my office.

These recommendations and this report will be a good opportunity, I think, for us to discuss it as a committee and for you to consider the recommendations and perhaps hear from some officials from various ministries as to how they are addressing issues of domestic violence.

The next report is a report that we will just discuss very briefly, which is the annual report of my office which was tabled on September 29, 2009. This, I think, gives you a good idea of my operations.

Some unique aspects of my office are that we do service planning — not all independent officers prepare service plans. My office does prepare a service plan, which I will lay before you in a moment on a further agenda item this morning. We also provide fully audited financial statements and the Office of the Auditor General audits them. So we have very strong commitment to service planning, to auditing and so on.

[0905]

We're not a very large office. We're not a very significant office in terms of public expenditure, particularly in the child-serving area. But it is particularly important to me as representative that we demonstrate a high level of transparency and accountability in our operations. We also explain very clearly how we do what we do and allow members of this committee to think for the future, when the office needs to be reviewed, as to how might it be improved or changed or if all these functions need to continue into the future. Some of these reports will, I think, help you in that process.

The last item, which I actually circulated to members of the committee on November 5, 2009, is a copy of the service plan. It looks like this, and I know this will be discussed later on today's agenda. I didn't bring for members of the committee previous service plans, although I do have them available should members of the committee wish to see them.

I will note, though, that all of our reports, updates and so on are available on our website, so anyone that wants to can access them there. Also, we are more than prepared to provide additional briefings or information to individual members of the committee to bring them up to speed, if you like, on the work that's happened since the meeting of November 28, 2008.

I will just speak a bit briefly — these are the reports that you have — around some of the work-in-progress, additional things that will be released by my office in the near future. First of all, there will be a joint report issued soon with the Ombudsman. The Ombudsman and I have completed a review of the complaints process, how young people can complain and take concerns to the Ministry of Children and Families. The Ombudsman and I will be releasing that report shortly.

I have an update on services and supports for children and youth with special needs. That follows up on a report

that I prepared — a watching brief, if you like — for this committee in November 2008. Again, there have been some significant service shifts in the area of children and youth with special needs. CLBC services for children and youth were transferred on October 31, 2009, to the Ministry of Children and Families. Eligibility criteria and services have been shifting and changing in this area. An update will be provided from my office around that important area of our mandate.

We also have a report on the sexual abuse intervention program. We will also be releasing an audit, and we have powers of audit under the statute. This is the first audit that we've done. We'll be releasing the results of an audit of the Child in the Home of a Relative program in which we take a large sample of cases to consider how screening is done and to understand better whether this program has a place in the area of child protection and how it actually functions.

We will be presenting two reports which are aggregate reports in the areas of injuries and deaths. One is an aggregate review of deaths of children under two that have been reported to us. Many of those have to do with sleeping and with sleeping arrangements and safety and so on. The second is an aggregate review of suicide deaths and self-harm injury. So you'll see two reports in those areas — the under-two cohort and the suicide and self-harm. I'll perhaps ask Ms. Heavener to assist me on this, but I think on the suicide and self-harm, it ranges from age nine — I think nine is the youngest suicide we have — to 19.

Other projects and investigations are underway and will be completed and tabled with the Speaker if the committee is not convened or in some instances, with coordination between the Chair and the Clerk's office and the Deputy Chair, tabled directly to the members of the committee, which is always my preference. But I appreciate that with the workload, it's significant.

I just wanted to say very briefly, on one other project I've been working on, in conjunction somewhat with the provincial health officer and others....

[0910]

That is a report on the state of the child in British Columbia to give us a sort of, again, large-cohort understanding of how children in British Columbia are doing in key domains like health, safety, education, community inclusion, cultural and diversity inclusion in their communities and so on. That is a bit of a path-breaking report which my office has been working very diligently on, and I'm hoping to produce a report that might be a bit of a template for the future.

There will be regular reports on the state of the child, which again will help us understand the strengths in British Columbia for children and the challenges — the cohorts of children that are at risk or are maybe not doing as well as they could or should — which could be quite informative.

That's using what we call outcomes data, key areas around outcomes for children that are measured and that are accepted nationally and internationally as valid outcomes measures — things that many members of this committee will be familiar with, like healthy birth weights, infant mortality, school completion rates and so on — very standard areas that are extremely important and valuable across many governments and systems to talk about the well-being of children — standard, strong measures of well-being.

For those of you who are relatively new to this, you should know that my personal view as representative is that I'm strongly directed toward evidence-based approaches, performance management, strong identification of outcomes, measuring outcomes and demonstrating progress. Some of the areas that you will see of concern in some of my reports are where these have not been as strong as they could be — so understanding the circumstances that place children at risk and the responses that in fact can address that, which can be demonstrated and evaluated.

Finally, I'm just going to return to one other item, which is the item I spoke to briefly around the *Housing and Hope* report, which I hope you will take up at a future meeting. That is again the issue of child poverty.

I can also say that in my role as an advocate for children and youth in British Columbia, I have the power to speak publicly about issues of concern. I do it sparingly, only where I think it's extremely important that it be done, and I have done it increasingly in the past year in relation to child poverty.

I think this again is one of the most significant risk factors for a large cohort of children in British Columbia, and I'm not the only one concerned about this. The Health Officers Council is engaged in this issue. They have issued papers on it. There are other broad coalitions representing health, community-serving agencies, business and others who have identified the cost of poverty to British Columbia but also the risk that children are placed in and also understanding it on a regional basis — areas where there are particularly high risks around the economic downturn.

I was very happy, and I would report this to the committee, to attend the annual conference of the UBCM at which a unanimous resolution was passed by councillors and mayors calling for a plan on child poverty in British Columbia and specifically supporting the work of the Representative for Children and Youth to encourage Members of the Legislative Assembly to consider a plan on child poverty.

I have been active on this front in meetings with the Premier, the Minister of Children and Families, the Leader of the Opposition, the critic for Children and Families, and others to raise issues around poverty. I would just put it on the record for the committee that I remain strongly of the view that British Columbia is lacking a coherent plan for child poverty. This is an area

that is extremely important, and I was delighted to see that the UBCM unanimously endorsed that resolution.

I hope this committee will take up and look at that issue, because of course child poverty is in every constituency in British Columbia. Some more than others, granted, but every constituency in British Columbia has children particularly struggling and many good and supportive people working in systems to assist them. But those children in poverty are not achieving the outcomes in education and health and well-being that they need to achieve. The level of coordination is not there, as I'm seeing it is in other jurisdictions that are ahead of British Columbia, like Newfoundland, like Ontario, like Manitoba.

[0915]

I think it's certainly well worth it for this committee to consider some of those other plans for poverty and maybe discuss as a committee whether or not there is some room in British Columbia for some bipartisan work on a plan for child poverty.

I have been speaking publicly, and you will see again on an ongoing basis my great concern about children and youth and their families being referred to food banks and also the usage of food banks and the particular precarious situation that many of those families find themselves in — the increased use of emergency shelters by families, etc.

I think there is a valuable opportunity with this committee for you to receive a full briefing on the issue, to understand the depth and breadth of poverty in British Columbia, the face of poverty for children and youth, and also what strategies are being used in other provinces to more effectively respond to poverty.

I say that while noting that British Columbia does have many programs and strengths around responding to poverty. It's just whether or not there is in fact a system that's integrated with some targets, measures and accountability. As representative, I would note that that's not yet in place.

J. McIntyre (Chair): Mary Ellen, sorry to interrupt, but I'm just really mindful of the time. We still have two reports to review. I totally appreciate the importance of the work and the passion you bring to the position, but I think we are going to have to move on to review those, if I can do that — if I can move us on.

M. Turpel-Lafond: Right. Well, I'll just move on to the annual report....

J. McIntyre (Chair): I was going to suggest, if you don't mind.... We have them as two different items to look at: the overview of the annual report and the service plan. If you could maybe give us even a five-minute overview of each of those, because I really want to allow at least half an hour for questions of both the documents.

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

M. Turpel-Lafond: Right.

I will just make a very brief review of the annual report, because you've had it. It's been before the public for some time, so there's not the need to go into it in detail, except to note that on the advocacy side, we do provide direct advocacy supports to children and youth through our offices in Victoria, the Lower Mainland and Prince George. That advocacy functions — direct, individual-case advocacy as well as community support, engagement and so on. Since the office opened and to the date of the report, which was the report for 2008 to March 31, 2009, we have had 2,757 cases that we've opened.

You can see there's a very detailed breakdown about where they come from, what they are about, what they are pertaining to and also those cases that weren't opened because they don't fall within mandate, but there's still a significant demand to the office. Most of those pertain to the family justice system.

Three significant themes come out of these cases, these advocacy files, that we do for children and youth throughout British Columbia. First of all, the first theme is that children and youth did not feel protected or safe. Second, they didn't feel that their right to participate in decisions about them was being respected. And thirdly, they felt that important people in their lives were not engaged or communicating with them. We have specific examples, again, that you can see to illustrate some of these cases.

By March 31, 2009, we visited 45 communities across the province. Those are opportunities for us to actually meet directly with children and youth. Sometimes we meet with particular schools, school boards, municipal governments and child-serving organizations, and we have discussions about the well-being of children in the community, ensuring that they know about our office and our supports, and that community advocacy is an important part of our work.

I also just draw your attention to the fact that the annual report reports out on a very successful event that was held in October 2008, and that was the first-ever Child and Youth Summit in B.C. It was a very strong opportunity to talk about what are the elements of a good child-serving system and a successful child-serving system that can be demonstrated in the evidence to be making differences in the lives of children at risk.

I also report in the annual report on the progress of the Children's Forum. I just would note for members of the committee that the Children's Forum is a forum which I chair and which is comprised of myself, the chief coroner, the Ombudsman, a senior representative from the Ministry of Children and Families — it was the director of child protection; that position doesn't exist any longer,

so usually an ADM position or a deputy minister is also invited — the provincial health officer and the Public Guardian and Trustee, who plays a special role in the lives of children who are in care as a state guardian for them. [0920]

That forum meets regularly to look at themes, cases and concerns around children. I have reported out on that, as well, in the annual report.

I'm not going to say much more because of our concerns with time, but there is an opportunity to learn more about the office through the report and especially through the advocacy work.

I think a future meeting, where we had a bit more time, could very much benefit from a briefing from my office about the now more than 3,000 advocacy cases that we've had in British Columbia — what are we seeing, and what are we learning? — and also the enormous success I think we have in resolving, if you like, some of the concerns that children and youth have, by ensuring that the child's voice is heard and that they participate.

Also, having an opportunity to brief you on what happens when their cases aren't resolved. Where do they go? What happens for those children? I'm sure many of the committee members, like many individuals in British Columbia, probably are not aware of what happens when a case is not resolved. Where do they go?

With that, I'll stop at the annual report to see if there are any questions before I delve into the service plan.

J. McIntyre (Chair): All right. I guess we could do that, although I was going to suggest that maybe you want to present both, and then we'll open them for questions. I just want to make sure we have enough opportunity for questions. So could I do that? I think, if you don't mind, if you'll indulge me....

M. Turpel-Lafond: Sure.

J. McIntyre (Chair): If we could just talk about the service plan and then come back and open it for questions on either.

M. Turpel-Lafond: I'm perfectly happy with that. I'll go right into the service plan. It was tabled — I think an electronic copy was provided, if not a print copy, to you — on November 5. I note that the statute, the Representative for Children and Youth Act, requires this to be laid before the committee. It's not to be approved, but to lay before the committee for discussion and have an opportunity for us to see what work will occur.

Particularly, the service plan covers the period of 2010-11 to 2012-13. At the end of the service plan period, certainly my term as representative will be completed, so this will then reach into the future.

First of all, I'd draw your attention to page 13, which is the "Challenges and Opportunities" section of the service

plan. You will note that I've identified a number of issues that I see as being significant as we look particularly at the needs of children and youth — identifying the number of vulnerable children and vulnerable aboriginal children who are at risk or whose well-being is not on par with the well-being of other children, the ongoing increase in the number of aboriginal children in care, and the increase in use of out-of-care placements for both aboriginal and non-aboriginal children, and out-of-care placements, meaning kith-and-kin placements — placements in Child in the Home of a Relative — or other placements.

There are very significant vulnerabilities for children placed in out-of-care placements, including that guardianship of those children still resides with a parent who may not play any active role in their life. So for their well-being, for their safety, for decision-making, there are some very significant consequences of this.

With respect to children in out-of-care placements, there are in excess of 4,000 children in the home of a relative; and children on youth agreements, approximately 700 of those; and close to 250 children in kith-and-kin placements. These are particularly vulnerable children in the sense that they don't have a guardian there with the day-to-day care for their lives. As a result, we need to look very carefully at their well-being.

I also note, in the "Challenges and Opportunities" section again, some of the challenges around monitoring and evaluating the progress of the Ministry of Children and Families to make changes — whether or not the progress on making change is sufficient and whether or not it's meaningful and can be demonstrated to be making a difference.

An ongoing challenge in British Columbia is to see change in the Ministry of Children and Families that can actually be demonstrated to be making a difference, as opposed to simply planning to make the difference — actually demonstrating making a difference in the lives of the most vulnerable at-risk children.

[0925]

Moving on to page 16 around the goals of our office, this of course flows from the legislation. Our goals are to provide advocacy supports to vulnerable children in having their rights and interests protected, their voices heard, and having them become active participants in decisions about them. We are also committed to identifying opportunities to strengthen the child- and youth-serving system and the quality of services provided to them, using that strong evidence- and outcomes-based approach.

Of course, the ongoing examination of critical injuries and deaths to ensure that children and youth in British Columbia are safe from violence, abuse, neglect and exposure to violence.... The important way we do business as a Representative for Children and Youth office is to deliver that mandate in a child-centred, objective, open, collaborative and accountable way.

In terms of performance measures in the service plan, as we move outside goals into performance measures, I would note that it's difficult.... We aren't in a service delivery organization. We're not a ministry or what have you. We're an oversight agency, an independent oversight agency primarily. So a set of performance measures has to be inherent to this mandate and these responsibilities. Some of those measures that you will see are measures like engaging key and important government and non-government service providers in the key issues of the day, ensuring that they know what they are and that they are working on them.

We do have some performance measures around advocacy in particular, and we are engaging this year in a review of the advocacy function under the act after two years of operating that advocacy function. In advance of this committee's review of the office, I think it would be very valuable for us to look at that and say, "We do reach some 3,000 or more children. Is that adequate? Should we be reaching more children?" and so on. I think we will be doing an external review of that, the results of which I'll be sharing with this committee to learn how we can even strengthen this function, if it's working well and so on.

We are doing an evaluation around the satisfaction of the clients, mostly the children and youth served by our office, to see how they feel about that support. Of course, we have anecdotal evidence, but we want to have some stronger evidence. If there are areas to be improved, we would like to improve and strengthen that.

With respect to our recommendations, we don't have a performance measure around adopting recommendations. That's not really appropriate, because it's not up to us to adopt the recommendations. It's up to government to adopt the recommendations, or agencies that we may identify.

I certainly can say that we don't have direct authority over that system, so we cannot impose recommendations on anyone. It's a recommendatory process under the act. I think that the experience to date has been one where a number of recommendations have been taken up and implemented with good effect, I would say.

Others — it's been slower to get the recommendations addressed, for a variety of reasons. Or government has addressed the recommendation in a different way, and of course, it's perfectly acceptable to do that as long as there's evidence that, in fact, the area has been addressed.

This is a challenging area for any oversight body, and so certainly performance measures in that area are not really appropriate. However, it's important in an office like this, with the list of designated services under the act and the types of functions we perform, that we do cover the key bases and that key things are identified so all of the major issues affecting vulnerable and at-risk children and youth have been taken up in some form or another by this office.

I can say that you'll see work identified in this service plan, and you will hear more as we work together on some of the areas that I haven't yet reported on but are in progress. I don't have a delivery date for them because they're in progress.

Areas, like adoptions, that are open for review. Addictions, which is a very significant area and does come through in large measure, sadly, the injury and death side — but addictions as an area.

It's very important around performance and service planning that we ensure, as an organization, that we identify the major and significant issues. You will see in our work to date that we've worked extensively on child welfare issues, children in care, children in out-of-home placements, domestic violence issues, abuse and violence against children, education outcomes, health outcomes.

[0930]

But there are still areas that remain to be addressed, and they are there. To measure the outcomes of that work is challenging. Certainly in advocacy, satisfaction with the service is crucial. Making sure all of the stakeholders are engaged, know what the issues are and are working on them, raising the profile of issues for vulnerable children and youth — these are crucial.

A final area before I open it for questions is with respect to the review of injuries and deaths. We've had an in-camera discussion about some cases today, so new members to the committee will be aware of some of the dynamics of those cases.

I can say that the work in this area is very challenging work, and the resourcing in my office to accomplish the work is at times a challenge. Certainly, in completing the large sort of freestanding investigations — like in the case of Christian Lee or the case in the *Housing and Hope* report of the child that was injured — the energy resources required in terms of full-time employees.... The process of the investigation and so on is time-consuming.

I would say that I have some concerns as representative as to whether or not, within the current set of resources, I will be able to accomplish all of that work. We have been very carefully trying to reallocate that and consider how to go forward on that, mindful of the situation around public finances. However, in the critical injury and death side, the caseload.... No one predicted what the caseload would be.

Certainly when I became Representative for Children and Youth, I was told that there would be perhaps two to three child homicides a year. That has not turned out to be the case, for whatever reason. I'm not saying that was an accurate baseline or not. The numbers are significantly higher than what was projected when my office was opened. The numbers of deaths and injuries before my office, including those that require a full investigation, are more significant and numerous than I thought. The investigations are more complex, meaning they are children and youth that....

Their families are touched upon by a variety of systems — like health systems, education systems, child welfare systems — for which a thorough investigation includes interviewing and taking the results of that process to a multidisciplinary committee that I have, which is described in the annual report. They are significant senior people at the front lines of various systems who look at it and make recommendations. Then debriefing on those reports with government and service providers is a major area of work.

I'd just make a note of that around the service plan. There are challenges in delivering that. While I'm not going to go into a lot of detail around that today, we are trying to meet those challenges. In some ways, because some of these cases are still enmeshed in criminal proceedings or what have you, the pace can be slow. I'm not entirely satisfied with that. I think there need to be adequate resources in place to quickly do the work — thoroughly, appropriately and quickly — and particularly, as I've seen, some of the internal reviews that are done are not adequate.

The independent review and investigation function is an extremely important function, and it's one that must be done well. I think, to date, we've produced some valuable work, but there is a great deal more to be done in that area.

J. McIntyre (Chair): Thank you very much. I'd like to open it for questions now on either the annual report or the service plan. Again, I think I'll ask for the questions to be brief and the responses to be fairly brief so that we can ensure that everybody has an opportunity to ask questions they may want to. I'll take a speakers list.

M. Dalton: Thank you for your report, Mary Ellen. In the annual report, on page 14 there is a mention of 1,564 new advocacy cases taken on. It's a 31 percent increase over the year before. I'm just wondering how you account for that increase.

[0935]

Then also, along with that, on page 17, the out-of-mandate cases. You have about 16 percent or 1/6 of the cases, as I mentioned, outside of your mandate. I'm just wondering what the office is doing to keep more focused on cases within the representative's mandate.

M. Turpel-Lafond: First of all, the increase in cases over the year may be attributable to the fact that we were a new office. As we went out, families and children became more aware of our services. We were contacted more, so I think it was just really the fact that there were advocacy services available. I think we put quite a bit of effort into making sure that children and youth were informed that it was available. I think that, in part, can account for it.

I also think some significant shifts in government policy may have accounted for it — like the number

of children and youth with special needs who sought support from our office because, say, they were transitioning out of care at 19 and weren't sure what was going to happen. So certain shifts in policy sometimes bring it in.

I don't think we have an idea of what is the right caseload, if you like. I certainly would say from my perspective that there are some 9,000 children in care. There are some 4,000 children in the home of a relative and a thousand other children in out-of-care placements. I think it's probably important that advocacy services be provided to them.

In British Columbia the government does not provide immediate or direct notification to the children and families served that there is an advocate through the representative's office. In other provinces like Alberta, they do. Every child in care gets a notification that there's an advocate they can contact. That hasn't been done yet in British Columbia.

I'm seriously considering recommending that with the government. However, I imagine that will mean another further increase in demand. So far, we can meet the demand. If the numbers go up dramatically, we'll have to look at it, because I have a group of advocates that respond to these calls.

I'm not sure if there's a magic number of how many cases we should have in a year. I think it should be more than where we are now, but it's a question of informing, being out there and being able to address their issues. Often we do.

On your second question, which is about the cases that are out of mandate, noted on page 17 — that sort of out-of-mandate yellow area — this is a very significant concern to our advocates and to me personally. There was at one point in British Columbia a program for family advocates, for children that were going through the family justice system, and families could have an advocate's support. That program was shut down. There have been some attempts to do smaller programs in different places.

Most of the calls in the out-of-mandate area fall into that area. They're really of two kinds. One is when the child or youth calls and says, "My parents are in a divorce. I don't want to live with my mother. I want to live with my father," and so on. That's out of mandate for us. So the family justice side is out of mandate, but it's an area that enormous distress is caused children, and children are not represented in family law proceedings — very rarely. Really, they have nowhere to go. They call us, and we talk to them a bit. We send them to the child help line if there's a child protection dimension, and occasionally there is a child protection dimension.

The other type of case we get, which we've had and are very difficult cases, is the child that phones and says: "I'm living in a home with domestic violence. I can't live here." We refer it to the Ministry of Children and Families. The

Ministry of Children and Families may take a position, saying: "Well, we're going to work with this family." But the child continues to call us and say: "But I'm living in a home with domestic violence."

Again, it's an area where there isn't necessarily a designated service. These are kind of family justice cases. They're out of mandate. But I think when we review advocacy and when our office is reviewed, we will certainly want to consider: where do those children go? Really, they don't have anywhere to go in British Columbia.

Should children, as we come to celebrate the 20th anniversary of the convention, be heard? If they don't want to live in a certain place for whatever reason, should they have some way to be heard? I think they should, but right now there's nowhere for them to be heard.

[0940]

S. Cadieux: Thanks very much for your very detailed explanation. It's obviously much nicer to hear verbally than just to read it on paper.

That said, having read both the reports, I do have some questions related to the accounting — the sort of budget at the back and then how that relates to the service plan in terms of.... I don't want to go into details, because I think that this isn't the place for that, but just for context, can you explain how your service plan and your plans for the next year would impact or be impacted by your budget and so forth?

Obviously, you had, in your past budget, plans for more staff than you ended up having but significant increases in other areas. How does that affect the work you want to do in the coming year, and will you have to rejig again your budget to make accommodation for what you want to accomplish in terms of caseloads and so forth?

M. Turpel-Lafond: I think that the report, the financial statement of expenditures for the '08-09 year.... The one area you might be referring to is FTEs. We had an FTE complement of 44. We had 33, but we used short-term contracts and whatever to fill those — particularly in areas like investigations, where we would use a retired police officer, for instance, for a period of time.

One of the positive areas, though, now that we have been operating for a few years, is that we have virtually our full complement now in place. That's a positive area. So some of the things that were in professional services, we are not having to use as heavily as we used in the past for contracts and so on. We have our FTE complement.

Budget is always a concern, particularly for an office like ours, because if we were to have another 25 percent increase in advocacy calls, we'd have to be able to respond to those calls. Also, as I noted in my caveat around critical injuries and deaths of children, the numbers have been higher.

These are issues where the Finance Committee — which meets to consider the budget for the independent officers — is a committee that we can discuss these issues with. We can always go back to them if there is a concern.

Certainly, if I was to encounter any problem where.... I flagged you about the critical injuries and death side. If I was to come to a situation where I said, "Look. I've got five deaths to investigate, and I just don't have the resources," I would ask for a meeting with the Chair and Deputy Chair of this committee and come back and say: "I've got a concern here. I'm going to go back to the Finance Committee, and here's the issue."

So far I haven't been able to do that, but I have had to take some measures like shutting down an office, like making smaller my executive staff. I've reallocated things more to advocacy, for instance, and critical injuries and deaths, so I've tried to reshape that budget a little bit around those priorities. But if I run into a very significant issue — which is always possible here — I would return to this committee and the Finance Committee.

J. Thornthwaite: I'm just coming off the Finance Committee. Everybody knows.... It's no big secret about the financial situation that the world, let alone the province and everybody else, is into, as far as our ability to do what we were traditionally doing even just months ago, let alone last year.

My question is kind of taking from what Stephanie had said and what you had commented about the outreach and the advocacy work versus the investigation. If you did have to make a choice as far as which direction you were going to go.... I think you've mentioned it somewhere on page 40 about outreach and advocacy work. Could some of that funding be better spent on investigations?

M. Turpel-Lafond: I think the challenge is that the Representative for Children and Youth Act has three areas for us to do. If we came to a position where I couldn't do investigations of a death and injury or I couldn't respond to advocacy calls for whatever reason, I think the appropriate thing for me to do — again, as an independent officer of the Legislature — would be to return to the Legislature for direction on that.

Certainly, I don't think it's appropriate for me to say: "I'm going to do this part of my mandate and not that part." I think I have to do all parts of that mandate.

[0945]

If there are areas that can't be done, I would flag it in advance. I would, of course, try to manage it competently, which I think we have, to date, but I also think that if there was to be a change, we'd come back.

I'm really not prepared to say: "Members of the Legislative Assembly, I'm sure you'll understand that I'm not going to do the advocacy. I'm only going to do this." I think I have to do it all, but especially around the

issues of reaching out to children and families so that they have the advocacy support that is crucial.

It is crucial that we get out there. One of our mandates, coming from Mr. Hughes's review and in our act, is to reach aboriginal communities and aboriginal children and families. That's essential that we go out to those communities and meet those children, because they have, historically, not been served — especially some of the children in care, the children with special needs.

Unless you go out and engage, they won't receive the support of this office, because they're not going to come to Victoria to meet with us. That's really crucial that we get out there with that vulnerable, at-risk population, which requires us to be out.

J. McIntyre (Chair): Any other questions?

D. Horne: Thank you so much. I think it's been a good day so far.

One of the things — just on Jane's question again.... How much of your budget is currently spent on advocacy?

M. Turpel-Lafond: For the past fiscal year? I'll have to defer to my deputy on that.

J. Berland: The advocacy functions. In terms of FTEs, there are about ten FTEs in the office allocated to advocacy, but it's spread out over three offices. But we have other functions within those offices, so giving you an exact number on advocacy.... Probably we're spending in the neighbourhood — out of our total of just over \$7 million budget — of, I would say, better than \$1 million to \$2 million in advocacy.

But because of the mingling of functions, in terms of administrative support and the sort of back-office functions, it's hard to give an exact number. We certainly could figure out....

D. Horne: No, I just wanted the sort of order of magnitude type of thing.

One of the things, obviously, with budgets the way that they are right now.... I'd just sort of get your feeling on this. Obviously, the government, in general, has limited funds. The Legislature has limited funds, obviously.

One of the comments that was made in the service plan had to do with performance reporting by the ministry. Obviously, everything has a cost associated with it.

I just wanted to get your views on what's appropriate and how much money is actually going to children and the protection of children, and how much money is going to the reporting, the bureaucracy around it. Obviously, every dollar that's spent on reporting and reviewing and studying things doesn't go to children. I think basically all of us would feel that would be the most appropriate.

I just wanted your comments on that.

M. Turpel-Lafond: Yes, I think a couple of things. First of all, I would say that during an economic downturn, I think monitoring performance and evaluating whether or not the system is serving children effectively with good result is probably more important than ever.

I think it's always important, but it's especially important because a certain pressure can mount during a difficult time, which is perfectly understandable in terms of public finance and government, which is to cut systems across the board — not always considering what that will actually mean, because particularly when it comes to children, there's a short-term cost and there's a long-term cost.

The social capital of British Columbia depends on children being healthy, educated, contributing and having very good lives. For some of those children that don't have the same starting point, systems have to be there for them. If they're not there for them, we will be paying over the long term for the lives of those children as they become adults.

The Ministry of Children and Families has a budget of about \$1.4 billion. In addition, there are significant public allocations for children around health, education and other areas. My office is a fairly small operation, as Mr. Berland said, of around \$7 million, evaluating all of these systems.

[0950]

But the question of "Are there enough resources in the system...?" It's a very important question, and it comes back to a key issue, which is what Mr. Hughes identified and which inspires the work of this office: is what you're doing the right thing to support children? Is it cost-effective? Are all of the children that need the support getting it, or are the children that don't need the support getting the support? It's really that issue of service planning performance evaluation. What are the key indicators that you're making progress?

These are areas, as we meet as a committee around some of the reports, that you will see a very strong focus in — key areas like education, health, safety and so on. What are the indicators?

So the Ministry of Children and Families has a service plan. Some of the indicators it identifies — are they the indicators that the representative feels are the indicators that we should be measuring? Maybe yes, maybe no. Are they making progress on those indicators that they set for themselves? On some, perhaps; on others, not. Does that need to improve? Does it matter if the times are good or bad?

These are really fundamental issues around performance. When we look at other child-serving systems that perform well, we can identify some themes to see what they measure, what they look to, what type of accountability.

I think Mr. Hughes said it very clearly — and I would echo this even now as we look at some shifts — and that is that government around serving children must be able

to speak with greater confidence about the outcomes it is achieving for children for the budget it has. So I'm not a person that is going to say to put more money into something just to have money. What is the outcome you hope to achieve, and is it happening?

I think that what we've seen with respect to, say, aboriginal children are fairly significant expenditures on aboriginal planning authorities, perhaps to the tune of \$30 million, without any money ever flowing to the child. So would I say: "Should we put more money into that"? No. I'd like to see improved outcomes for aboriginal children. So let's stay focused on the children.

Your question is a very important question, which is that it's not just about money. It's about what we are doing effectively as a society to improve outcomes for the at-risk and vulnerable children.

Many, many children in British Columbia do very well for a variety of factors: strong family supports, good economic well-being and so on. They do extremely well. It's the group that struggles that we particularly need to pay attention to and the group for whom the state is the parent.

J. McIntyre (Chair): John Rustad has a question. I'm going to just jump in with one question first, if he'll indulge me.

I have a question around the performance measures. I have to say my bias, coming from the market research business for 30 years, is I have a quantitative and a qualitative brain.

The one on page 19, one of the first ones about the number of advocacy cases per year, is quantitative because you've actually put some estimates of the numbers of cases you might be dealing with. You're also — and I totally appreciate — going to undertake a survey to look at satisfaction. I think that's all very quantitative and sits with my sort of view of how we measure some of these things.

One of the things I thought is that maybe in addition to, or in place of, the advocacy cases would be something like the number that are resolved. It would be helpful to us as a committee. You have the cases — 1,700 as an example — as a target in 2010. But for us or for others — for the public and for other legislators — it might be very helpful to have some goal in terms of what percentage of those actually get resolved. Are there outstanding issues left on the table? Sort of the success rate you have in assisting, in helping, the kinds of queries you get. I was interested in your response on that.

The next two, not in the same vein but are not sort of quantitative.... I do appreciate the comments. You said that it's hard as an oversight agency to perhaps set these performance measures. But it wasn't very clear on the next two that were just basically making sure that you try and inform stakeholders and try and encourage them, to engage them, to make improvements. But it

doesn't.... It seems pretty general without any real specifics. So maybe you could address that briefly.

M. Turpel-Lafond: I can. I think I'll address the last two, and then I'll ask Jeremy to talk about the resolved issue.

First of all, the measuring performance on page 21 and on page 23. I think the area of service quality and effectiveness is very important, because in a child-serving sector, the non-governmental one as well as the government side, promoting an approach around effectiveness, performance.... What are the outcomes that you're achieving? Are you evaluating it? Can you report on it? Can you basically say what work you do for this effort and how it affects the lives of children?

[0955]

I think that's important. It's just that we don't have control over those services — which ones are provided and so on. So we can't really have any other performance measure than this one as an independent oversight body, as opposed to a front-line service provider. But making sure that we are working with everyone in the child-serving system is a very important performance measure, because a representative's office may only work with government and not with non-governmental agencies as well. So those are crucial.

With the indulgence of the Chair, I'll ask Jeremy to respond to the issue of how many cases are resolved.

J. McIntyre (Chair): Just quickly, so we can get this all in.

J. Berland: It's a really excellent question, one that we struggle with ourselves in terms of what's the right number. The difficulty with the resolution performance measure is that, because of the nature of the calls that we get, some of them actually don't have a resolution that's identifiable in the sense that we may, in fact — our staff may — agree with a course of action that's underway for the child or youth who's calling. The child or youth may not particularly like the course of action, but it may be the appropriate course, given their circumstances.

So resolution for us might be that we assisted that young person to have their voice heard, to be able to express their wishes to the decision-maker, but ultimately they didn't get what they wanted — that it wasn't possible to achieve that, or the outcome is further down the path. So there's a process in place around the resolution, but it doesn't end within a kind of convenient time period.

The identification of a measure is very difficult in those circumstances, in terms of what the resolution would be to somebody who says: "I don't like my worker. I don't like the plan my worker's got. I don't want to remain in care. I don't want to go home." Resolution is a very tricky question.

So in terms of a measure, we thought a satisfaction measure in terms of: did you understand the service

we provided; did you receive a service; were you able to understand what we were intending to do for you; and did we connect you with the appropriate helper? Because the resolution, ultimately, is not likely something we can be final about.

J. McIntyre (Chair): Okay. John — really quick question, and then we'll have to receive your reports.

J. Rustad: I'll just make one very brief comment, and also one question. I'll get a chance to follow up the questions a little bit on the Finance Committee when you come before us.

With regards to page 13, your comment around the proportional amount of first nations that are involved in the system. I actually would be very curious to know what your thoughts are on the Indian Act and the federal impact on first nations and how that is impacting on their particular levels of involvement in services. That's a question that is far too detailed to go into now, but at another time I would love to be able to talk about that.

The other one.... I'd like to talk about the recommendations, or the targets, on 21 and 23, but I'm going to focus on 25. The two targets that you have on 25 are really more actions or strategies, not really a performance measure. And I'm just wondering.... I've reviewed many, many service plans now over the last five years — not just yours, but I mean within ministries. Looking at those.... Is there no other type of performance measure that you can find to put in place other than the actual action items that you'll be taking?

M. Turpel-Lafond: Well, on that point, this performance measure — meaning: are we effective in achieving our mandate? I think what Mr. Hughes recommended with the whole process was: get it running, and after five years do a review.

I think one of the things we're attempting to do here is to say: "Well, we're going to look at some of these program areas to help out that process." Very few independent oversight bodies actually seek out an independent review of one of their functions, because generally it's not done.

I think we've gone a little bit further than most to do it, just because I think it's really valuable to keep it open and say, "Well, is this the best way to do it?" and then share that more publicly with everyone.

It's really difficult to go beyond this because ultimately this committee will have to decide after five years to review this function and determine how it should proceed. We're at least attempting to, you know, look at it and inform that process if we can.

[1000]

On the other issue — the aboriginal children — I know it's too complicated to get into today by a long shot. I would just make two points. One is: the majority of aboriginal children in British Columbia live off reserve

and are served by off-reserve schools, health care facilities and child welfare supports.

Secondly, we are engaged now in a very extensive review of aboriginal child welfare policy, particularly around this, I guess you would call it, aborted strategy to create aboriginal authorities. Whether that process.... There's something that we need to look at — that process — and take forward. What is the strategy in the government of British Columbia around aboriginal child welfare policy? How is the government of British Columbia dealing with the government of Canada with respect to this? Is the government of Canada engaging in things?

These are all very important issues which we are actively reviewing in the office and intend to report on — particularly one point, which I'll leave on. That is: policy documents from the government of British Columbia, like their *Strong, Safe and Supported* child welfare policy that was released by the Ministry of Children and Families. It has a page that says that British Columbia will recognize aboriginal jurisdiction over child welfare.

That's an area that I'm very interested in because I'm not sure if that's the province's responsibility or if that's the federal government's responsibility. They take a different view. So these are areas where we are trying practically to understand. Where does it land? What work is being done on it?

J. Rustad: Chairperson, with that, I'd like to move a motion to receive the reports.

J. McIntyre (Chair): Any discussion on that?

Motion approved.

J. McIntyre (Chair): Thank you very much, Mary Ellen, to you and your staff for your detailed brief for us. I think this was a great first start to getting this committee up and running again.

Committee stands adjourned.

The committee adjourned at 10:02 a.m.

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