



Representative's Report

July 14, 2011
Update #12

Critical Injuries and Deaths: Reviews and Investigations

Purpose

The purpose of the Representative for Children and Youth's reviews and investigations of child deaths and critical injuries is to identify and thoughtfully analyze issues - particularly in service delivery. The intent is to help prevent similar deaths or injuries in the future, and to inform improvements to services.

Independently reviewing, investigating and reporting out on these deaths and critical injuries are essential elements of public accountability and promoting public confidence in the child welfare system. These reviews and investigations are done in a timely, fair, respectful and thorough manner.

Reporting Period: February 1, 2011 – May 31, 2011

During this reporting period 123 critical injuries and 23 deaths of B.C. children and youth who were in care or receiving reviewable services within the previous year were reported to the Office of the Representative for Children and Youth (RCY).*

These have all had an initial screening by the Representative and staff to determine whether the injury or death meets the criteria for an RCY Review (defined on page 6). A summary of these initial screenings is on the following pages.

The Representative released a Special Report, *Reporting of Critical Injuries and Deaths to the Representative for Children and Youth*, on Dec. 6, 2010. The report was issued as a result of an ongoing and growing concern that the Ministry of Children and Family Development (MCFD) was not reporting all of the critical injuries to the Representative that should have been as outlined in the *Representative for Children and Youth (RCY) Act*. The Representative recommended that MCFD develop and implement a Critical Injury and Death Notification Policy that would ensure the practice of reporting injuries and deaths is consistent, timely and effective and that the policy be finalized, communicated to all MCFD staff, delegated Aboriginal agencies, and service provider partners or public bodies, and be fully implemented by Mar. 1, 2011.

At present, MCFD has adopted an interim measure to better meet reporting requirements. Although that policy has not yet been finalized, since March 2011 MCFD is complying by reporting critical injuries in a number of areas that were not historically reported to the Representative when they should have been. This means that the number of critical injuries reported during this time period has tripled compared to previous update reports.



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Work continues in this area and a group of staff from MCFD, the Public Guardian and Trustee and RCY is meeting regularly to bring much needed focus to this reporting process and working to build and instill confidence that the RCY is receiving all injury reports as outlined in the *RCY Act*.

**This information is based on reports received by the RCY Office at the time of this update. These numbers may change if additional reports of critical injuries or deaths which occurred in this reporting period are subsequently received by the RCY, or if additional information is received.*



Critical Injuries: (Reporting Period: February 1, 2011 – May 31, 2011)

It has been determined that 44 of the 123 critical injuries did not meet criteria¹ for an RCY Review under the Representative's legislative mandate (explained on page 8). Decisions about whether to review 10 of the critical injuries are pending the receipt of further information.

RCY Reviews are being undertaken on the remaining 69 critical injuries.

A. Critical Injuries Reported and Selected for Review

Age	Total Number Reported	Selected for RCY Review	Decision Pending
Under 1 year old	4	1	1
Age 1 – 5 years	8	3	0
Age 6 – 12 years	16	8	0
Age 13 – 18 years	95	57	9
Total	123	69	10

B. In Care Status of the Critical Injuries for Review

Age	Child or Youth In Care	Child or Youth Not In Care
Under 1 year old	1	0
Age 1 – 5 years	3	0
Age 6 – 12 years	8	0
Age 13 – 18 years	43	14
Total	55	14

C. Number of Aboriginal Children or Youth

Age	Aboriginal Child or Youth	Non-Aboriginal Child or Youth
Under 1 year old	0	1
Age 1 – 5 years	1	2
Age 6 – 12 years	5	3
Age 13 – 18 years	36	21
Total	42	27

¹ All critical injuries reported to the RCY are screened to determine if they meet criteria established by the RCY for a Review. The criteria applied include whether they appear to have occurred in unusual or suspicious circumstances; if the injuries are self-inflicted or inflicted by someone else; and whether they appear to be associated with maltreatment.



Deaths: (Reporting Period: February 1, 2011 – May 31, 2011)

It has been determined that 15 of the 23 deaths did not meet criteria² for an RCY Review under the Representative's legislative mandate (explained on page 8).

RCY Reviews are being undertaken on the remaining eight deaths.

A. Deaths Reported and Selected for Review

Age	Total Number Reported	Selected for RCY Review
Under 1 year old	6	3
Age 1 – 5 years	5	1
Age 6 – 12 years	2	2
Age 13 – 18 years	10	2
Total	23	8

B. In Care Status of the Deaths Selected for Review

Deaths	Child or Youth In Care	Child or Youth Not In Care
Under 1 year old	0	3
Age 1 – 5 years	0	1
Age 6 – 12 years	1	1
Age 13 – 18 years	0	2
Total	1	7

C. Number of Aboriginal Children and Youth

Age	Aboriginal Child or Youth	Non-Aboriginal Child or Youth
Under 1 year old	2	1
Age 1 – 5 years	1	0
Age 6 – 12 years	0	2
Age 13 – 18 years	1	1
Total	4	4

² All deaths reported to the RCY are screened to determine if they meet criteria established by the RCY for a Review. The criteria applied include whether the deaths appear to have occurred in unusual or suspicious circumstances; if they are self-inflicted or inflicted by someone else; and whether they appear to be associated with maltreatment.



Overall Summary: ³

June 1, 2007 ⁴ – May 31, 2011

During this period, 628 critical injuries and 356 deaths of B.C. children and youth who were in care or who were receiving reviewable services within the previous year were reported to the Office of the Representative for Children and Youth. All have received an initial screening.

Critical Injuries

Of the 628 critical injuries, 295 did not meet criteria for an RCY Review. Decisions about whether to review 10 of the critical injuries are pending the receipt of further information.

The remaining 323 critical injuries have been identified for an RCY Review.

- Approximately 16 per cent of those critical injuries are being reviewed as part of an Aggregate Review (defined on page 8) on self-harm injuries. The Representative will issue a report on the Aggregate Review in 2011.
- The other 84 per cent of the critical injuries will either be included in future Aggregate Reviews, are being individually reviewed, or have been individually reviewed.
- Nine critical injuries reviewed have been identified for RCY Investigations.

Deaths

Of the 356 deaths, 209 did not meet criteria for an RCY Review. A decision about whether to review one death is pending upon receipt of further information. The remaining 146 deaths have been identified for an RCY Review.

- Approximately eight per cent of the deaths are being reviewed as part of an Aggregate Review on suicide deaths (which will be part of the self-harm Aggregate Review). The Representative will issue a report on this Aggregate Review in 2011.
- The other 92 per cent of the deaths will be included in future Aggregate Reviews, are being individually reviewed or have been individually reviewed.
- Since June 1, 2007, 10 deaths reviewed have been identified for RCY Investigations.

³ This information is based on reports received by the RCY at the time of this update. These numbers may change if additional reports of critical injuries or deaths which occurred in this reporting period are subsequently received by the RCY, or if additional information is received.

⁴ The reporting period begins June 1, 2007, because Part 4 of the Representative for Children and Youth Act was proclaimed on that date, giving the RCY legislative power to conduct reviews and investigations.



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- An RCY Investigation of one of these deaths has been completed, and a public report (*Honouring Christian Lee, No Private Matter. Protecting Children Living With Domestic Violence*) was released in September 2009. It is available at www.rcybc.ca.
- An RCY Aggregate Review of 21 infant deaths has been completed, and a public report (*Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Infants*) was released in January 2011. It is available at www.rcybc.ca.



Select Standing Committee Referrals Update:

The Select Standing Committee on Children and Youth referred an additional 19 deaths and two critical injuries to the Representative for Children and Youth. These deaths and critical injuries are not included in the Overall Summary numbers above. These deaths and critical injuries all occurred prior to June 1, 2007, at which time legislation was passed giving the RCY power to conduct reviews and investigations.

Death Reviews

- RCY Reviews have been completed in all 19 of the deaths referred by the Committee.
 - Four of these will be part of an Aggregate Review currently underway.
 - Two will be part of future Aggregate Reviews.
 - One death is currently under investigation.
 - Two deaths are proceeding to an RCY Investigation.
 - Four child deaths reviewed showed no service delivery issues or other matters for concern, and no further action will be taken.
 - Two of these were included in the Aggregate Review of 21 infant deaths, and a public report (*Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Infants*) was released in January 2011. It is available at www.rcybc.ca
 - RCY Investigations into four of the referred deaths have been completed, and a public report on these (*Amanda, Savannah, Rowen and Serena: From Loss to Learning*), was released in April 2008. It is available at www.rcybc.ca

Critical Injury Reviews

- RCY Reviews have been completed in the two critical injuries referred by the Committee.
 - One of them has been identified for an RCY Investigation.
 - An RCY Investigation of one critical injury has been completed. A public report (*Housing, Help and Hope: A Better Path for Struggling Families*) was released in July 2009. It is available at www.rcybc.ca.



DEFINITIONS

RCY Initial Screening:

The RCY receives reports of critical injuries or deaths of children who were in care or receiving reviewable services at the time of the incident, or in the year previous. These reports receive an 'initial screening' to determine if they meet the criteria, under the Representative for Children and Youth Act, for an RCY Review (defined below).

RCY Review:

Critical injuries and deaths that do meet the criteria under the Representative for Children and Youth Act proceed to an RCY Review, which examines the circumstances and the services delivered to the child. This may include examining medical records, Ministry of Children and Family Development (MCFD) case files, relevant policies and standards. As well, consultation with the Coroners Service and discussions with service providers, caregivers and parents may occur.

The purpose of an RCY Review is to determine if there are service delivery issues or other circumstances that would require an RCY Investigation (defined below). Reviews are also aggregated to identify and analyze recurring circumstances or trends, to improve the effectiveness and responsiveness of reviewable services.

RCY Investigation:

The Representative initiates an RCY Investigation when the circumstances of the injury or death are suspicious, self-inflicted, or when there is a question as to whether neglect, abuse or services the child received may have played a role in events leading to the injury or death.

By law, an RCY Investigation must not inhibit the work of others. An RCY Investigation does not proceed until police investigations and criminal court proceedings are completed. If there are no criminal proceedings, the RCY Investigation proceeds when other processes, such as ministry reviews or coroner's inquests, are completed, or one year after the incident, whichever is earlier.

RCY Investigation reports are presented to the Select Standing Committee on Children and Youth, and publicly released.

Aggregate Reviews:

These are conducted to identify and analyze recurring circumstances or trends in child deaths and critical injuries. This is in keeping with recommendations made in the 2006 BC Children and Youth Review, in which the Hon. Ted Hughes noted: "The primary method of reviewing child injury and deaths will be to examine aggregated information, and identify and analyze trends that will inform improvements to the child welfare system as well as broader public policy initiatives."

Reviewable Services:

Reviewable services are services or programs under the Child, Family and Community Service Act and the Youth Justice Act; mental health services for children; addiction services for children; services to children with special needs delivered by MCFD and Community Living B.C.; and additional "designated services" that may be designated under a Regulation.