



Representative's Report

March 18, 2009
Update #5

Critical Injuries and Deaths: RCY 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 in terms 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: October 1, 2008 – January 31, 2009

During this reporting period, 44 critical injuries and 40 deaths of BC 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 undergone an initial screening by the Representative and staff to determine whether an RCY Review (defined on page 6) is necessary. A summary of these initial screenings are on the following pages.

** 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: October 1, 2008 – January 31, 2009)

It has been determined that 26 of the 44 critical injuries reported did not meet criteria¹ for an RCY Review under the Representative's legislative mandate (explained on page 6).

A decision about whether to review two of the critical injuries is pending, upon receipt of further information.

RCY Reviews are being undertaken on the remaining 16 critical injuries.

Critical Injuries	Total Number Reported	Selected for RCY Review	Decision Pending
Under 1 year old	3	2	-
Age 1 – 5 years	5	2	1
Age 6 – 12 years	9	1	-
Age 13 – 18 years	27	11	1
Total	44	16	2

Of the 16 critical injuries selected for an RCY Review:

Critical Injuries To Be Reviewed	Child or Youth In Care	Child or Youth Not In Care *
Under 1 year old	2	-
Age 1 – 5 years	1	1
Age 6 – 12 years	1	-
Age 13 – 18 years	9	2
	13	3

* A child or youth who received reviewable services such as child protection, family support, youth justice, mental health or addiction services at the time of the incident or in the year previous. These children and youth were not "in care" at the time of the incident.

Seven of the 16 critical injuries proceeding to an RCY review involved Aboriginal children or youth. One of the two critical injuries where decisions are pending involved an Aboriginal child.

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



REPRESENTATIVE FOR
CHILDREN AND YOUTH

Deaths: (Reporting Period: October 1, 2008 – January 31, 2009)

It has been determined that 20 of the 40 deaths reported did not meet criteria² for an RCY Review under the Representative's legislative mandate (explained on page 6).

A decision about whether to review two of the deaths is pending, upon receipt of further information. RCY Reviews are being undertaken on the remaining 18 deaths.

Deaths	Total Number Reported	Selected for RCY Review	Decision Pending
Under 1 year old	11	4	-
Age 1 – 5 years	4	1	-
Age 6 – 12 years	8	3	-
Age 13 – 18 years	17	10	2
Total	40	18	2

Of the 18 child deaths selected for an RCY Review:

Deaths	Child or Youth in Care	Child or Youth Not In Care*
Under 1 year old	-	4
Age 1 – 5 years	-	1
Age 6 – 12 years	2	1
Age 13 – 18 years	3	7
Total	5	13

* A child or youth who received reviewable services such as child protection, family support, youth justice, mental health or addiction services at the time of the incident or in the year previous. These children and youth were not "in care" at the time of the incident.

Six of the 18 children or youth whose deaths are proceeding to an RCY Review were Aboriginal. One of the two deaths where decisions are pending involved an Aboriginal youth.

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



Overall Summary: ³

June 1, 2007 ⁴ – January 31, 2009

During this period, 254 critical injuries and 150 deaths of BC 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.

Of the 254 critical injuries, 129 have been identified for an RCY Review.

- Approximately half of the 129 critical injuries are being reviewed as part of an Aggregate Review on self-harm injuries. The Representative will issue a report on the Aggregate Review in 2009.
- The other half of the critical injuries identified for an RCY Review had an initial screening but a decision on if they will be part of aggregate reviews (defined on page 6) or individual reviews is pending, as further information is gathered.

Of the 150 deaths, 66 have been identified for an RCY Review.

- Approximately half of the 66 deaths are being reviewed as part of two Aggregate Reviews being undertaken. One Aggregate Review is on the deaths of children under 2 years of age, and the other Aggregate Review is on suicide deaths (which will be part of the self-harm Aggregate Review). The Representative will issue a report on these Aggregate Reviews in 2009.
- The other half of the deaths identified for an RCY Review had an initial screening, but a decision on if they will be part of aggregate reviews or individual reviews is pending, as further information is gathered.
- An RCY Investigation is underway on one child death. The Representative will report to the Select Standing Committee on Children and Youth on the investigation into this child's death in the coming months. The Representative also reports publicly on all 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.



Select Standing Committee Referrals Update:

The Select Standing Committee on Children and Youth referred an additional 14 deaths and one critical injury to the Office of the Representative for Children and Youth. These are not included in the “Overall Summary” numbers above. They all occurred prior to June 1, 2007, at which time legislation was passed giving the RCY power to conduct reviews and investigations.

- RCY Reviews have been completed in eight deaths. Four of these will be part of Aggregate Reviews being undertaken. Decisions are pending on the four others, as further information is gathered.
- RCY Reviews are currently underway in two of the deaths.
- 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.
- An RCY Investigation of the one critical injury referred by the Committee is underway. The Representative will report to the Select Standing Committee on Children and Youth and to the public in the coming months, regarding the investigation into this child’s injury.

Of the 14 child deaths referred by the Select Standing Committee on Children and Youth, for an RCY Review:

Deaths	Reviews Completed	Public Report Issued on Investigations	Reviews Underway
Total: 14	8	4	2



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.