



# Representative's Report

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November 12, 2009  
Update #7

## 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 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: June 1, 2009 – September 30, 2009\*

During this reporting period, 49 critical injuries and 34 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 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 is 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: June 1, 2009 – September 30, 2009)

It has been determined that 26 of the 49 critical injuries reported did not meet criteria<sup>1</sup> for an RCY Review under the Representative's legislative mandate (explained on page 6).

RCY Reviews are being undertaken on the remaining 23 critical injuries.

**A. Critical Injuries Reported and Selected for Review**

Age	Total Number Reported	Selected for RCY Review
Under 1 year old	0	0
Age 1 – 5 years	2	0
Age 6 – 12 years	4	0
Age 13 – 18 years	43	23
Total	49	23

**B. In Care Status of 23 Critical Injuries Selected for Review**

Age	Child or Youth In Care	Child or Youth Not In Care
Under 1 year old	0	0
Age 1 – 5 years	0	0
Age 6 – 12 years	0	0
Age 13 – 18 years	15	8
Total	15	8

**C. Aboriginal Status of 23 Critical Injuries Selected for Review**

Age	Aboriginal Child or Youth	Non-Aboriginal Child or Youth
Under 1 year old	0	0
Age 1 – 5 years	0	0
Age 6 – 12 years	0	0
Age 13 – 18 years	13	10
Total	13	10

<sup>1</sup> 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.



**Deaths:** (Reporting Period: June 1, 2009 – September 30, 2009)

It has been determined that 22 of the 34 deaths reported did not meet criteria<sup>2</sup> for an RCY Review under the Representative's legislative mandate (explained on page 6).

A decision about whether to review one of the deaths is pending, upon receipt of further information. RCY Reviews are being undertaken on the remaining 11 deaths.

#### A. Deaths Reported and Selected for Review

Age	Total Number Reported	Selected for RCY Review	Decision Pending
Under 1 year old	7	3	0
Age 1 – 5 years	10	3	0
Age 6 – 12 years	11	1	0
Age 13 – 18 years	6	4	1
Total	34	11	1

#### B. In Care Status of the 11 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	1	2
Age 6 – 12 years	0	1
Age 13 – 18 years	1	3
Total	2	9

#### C. Aboriginal Status of the 11 Deaths Selected for Review

Age	Aboriginal Child or Youth	Non-Aboriginal Child or Youth
Under 1 year old	2	1
Age 1 – 5 years	1	2
Age 6 – 12 years	0	1
Age 13 – 18 years	1	3
Total	4	7

<sup>2</sup> 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: <sup>3</sup>

June 1, 2007 <sup>4</sup> – September 30, 2009

During this period, 352 critical injuries and 214 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 352 critical injuries, 173 did not meet criteria for an RCY Review. The remaining 179 critical injuries have been identified for an RCY Review.

- Approximately 40 per cent of those 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 2010.
- The other 60 per cent of the critical injuries will either be included in Aggregate Reviews (defined on page 6) or individually reviewed, as further information is gathered.
- One critical injury reviewed has been identified for an RCY Investigation.

### Deaths

Of the 214 deaths, 123 did not meet criteria for an RCY Review. Two deaths are still pending a decision. The remaining 89 deaths have been identified for an RCY Review.

- Approximately 40 per cent of the 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 2010.
- The other 60 per cent of the deaths will either be included in Aggregate Reviews (defined on page 6) or individually reviewed, as further information is gathered.
- An RCY Investigation of one of the 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](http://www.rcybc.ca).

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<sup>3</sup> 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.

<sup>4</sup> 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.

The status of the 14 child deaths and one critical injury referred by the Select Standing Committee on Children and Youth, for an RCY Review is as follows:

Type of Referral	Reviews Completed	Reviews Underway	Public Report Previously Issued on Investigations	Total Number of Referrals
Deaths	9	1	4	14
Critical Injuries	0	0	1	1

In summary:

- RCY Reviews have been completed in nine deaths.
  - Four of these will be part of Aggregate Reviews currently underway.
  - One death is proceeding to an RCY Investigation.
  - One child death review showed no service delivery issues or other matters for concern and no further action will be taken.
  - Decisions are pending on three others, as further information is gathered.
- An RCY Review is currently underway in one death.
- 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](http://www.rcybc.ca).
- An RCY Investigation of the one critical injury referred has been completed, and 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](http://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.