



REPRESENTATIVE FOR  
CHILDREN AND YOUTH



COMMUNITY LIVING  
BRITISH COLUMBIA

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# *Advocacy Protocol*

between

The Representative  
for Children and Youth

and

Community Living BC:  
Advocacy for Young Adults

September 26, 2013

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## WHEREAS:

- The Representative is an independent officer of the Legislature responsible under section 6(1)(a.1) of the *Representative for Children and Youth Act (RCY Act)* for supporting, assisting, informing, and advising young adults and their families respecting prescribed services and programs, including advocating on behalf of a young adult receiving or eligible to receive a prescribed service or program (“advocacy function”).
  - S. 6(2) of the *RCY Act* defines “young adult” as being a person who is 19 years of age or older but is under 24 years of age, and who has received a reviewable service within 15 months before his or her 19th birthday.
  - “Community living support under the *Community Living Authority Act*” is a prescribed service for the purposes of s. 6(1)(a.1) of the *RCY Act*.
  - Community Living British Columbia (CLBC) is a corporate authority and agent of the government created under the *Community Living Authority Act (CLAA)* and managed by its CEO who is accountable to the CLBC board of directors, providing support and services to two distinct groups of eligible adults: (a) adults with developmental disabilities; and (b) adults with significant limitations in adaptive functioning and a diagnosis of either Fetal Alcohol Spectrum Disorder (FASD) or Autism Spectrum Disorder (ASD).
  - Under the *CLAA*, CLBC is responsible for offering a range of funding and planning options that promote choice, flexibility and self-determination to assist eligible adults to achieve maximum independence and live full lives in their communities, while promoting equitable access to community living support.
  - The Representative and CLBC wish to enter into this Protocol for the purpose of ensuring a clear and mutual understanding of their respective roles and mandates, and to ensure that the Representative is able to exercise her advocacy function effectively.
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## **THEREFORE THE PARTIES CONFIRM AND AGREE AS FOLLOWS:**

### **I. Guiding Principle**

1. Young adults receiving or eligible to receive prescribed services are entitled to be treated with dignity and respect, which includes fair and timely decision-making concerning their eligibility for prescribed services and the provision and administration of prescribed services.
2. The Representative's mandate under s. 6(1)(a.1) to advocate on behalf of young adults supports the Guiding Principle by promoting effective communication by and on behalf of a young adult and CLBC, and by promoting fair and timely decision-making by CLBC.

### **II. CLBC Staff Roles and Responsibilities**

3. CLBC arranges for the delivery of community living support through facilitators and analysts.
4. Facilitators are the primary point of contact for eligible individuals and their families. Facilitators provide information, advice and support and work with individuals and their families to develop an understanding of both the individual's disability related needs and his or her plans for the future. A facilitator can help identify services that people may need and record required information for requests for service. Facilitators report to Community Planning and Development (CPD) managers.
5. Analysts manage funding, monitor service quality, work with the facilitators to determine availability of funded services and report to Quality Service (QS) managers.

### **III. RCY Advocacy**

6. The Representative's advocacy function ranges from providing information to youth and young adults and their families about how to effectively access prescribed services and to become effective self-advocates, to providing advocacy directly on behalf of a young adult.
  7. Young adults are presumed to be capable of making decisions regarding their lives, and as such self-advocacy can be an important aspect of a young adult's dignity and self-determination. The Representative's advocacy function will in each case include an assessment as to whether and how the Representative can promote effective self-advocacy by the young adult with or without family, professional or other external support.
  8. The Representative may determine that individual advocacy by the Representative on behalf of the young adult is required. The Representative has independent legal authority to advocate on behalf of a young adult, but exercises that mandate applying a presumption that young adults are capable of making decisions affecting their lives.
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#### IV. RCY Advocacy Staff Roles and Responsibilities

9. RCY advocates have, under s. 8 of the *RCY Act*, been delegated responsibility for the advocacy function by the Representative.
10. RCY advocates support, assist, inform, advise and provide advocacy for youth and young adults who are experiencing difficulties accessing or receiving designated or prescribed services under the *RCY Act*. RCY advocates help to ensure their voices are heard, their rights are upheld, and their preferences, wishes or desires, are considered in decision-making about services being provided.
11. While RCY advocates are not decision-makers or case managers, the scope of advocacy is broad and may include any of the following:
  - (a) Questioning or requesting reasons for a decision or plan, particularly if it appears practice standards may have been breached or rights violated based on the information gathered.
  - (b) Reviewing planning processes and decisions to ensure the views of young adults are heard and considered and their rights upheld.
  - (c) Working with families and other advocates where they exist and providing them with support, assistance, information, and advice.
  - (d) Empowering self-advocates and encouraging meaningful participation of individuals in plans or decisions that affect them.
  - (e) Encouraging timeliness in planning and decision-making.
  - (f) Requesting reconsideration of decisions made.

#### V. Right to Information and Duty to Provide Information

12. Section 10(1) of the *RCY Act* states as follows:
  - 10 (1) In this section, “**officer of the Legislature**” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*, but does not include the representative.
  - (2) The representative has the right to any information that
    - (a) is in the custody or control of
      - (i) a public body other than an officer of the Legislature, or
      - (ii) a director, and
    - (b) is necessary to enable the representative to exercise his or her powers or perform his or her functions or duties under this Act.
  - (3) The public body or director must disclose to the representative the information to which the representative is entitled under subsection (2).
  - (4) This section applies despite
    - (a) any claim of confidentiality or privilege, other than a claim based on solicitor-client privilege, and
    - (b) any other enactment, other than a restriction in section 51 of the *Evidence Act*.

13. S.10 gives the Representative a right to information, and creates a corresponding duty on a public body to provide the information required under s. 10.
14. CLBC, as the “social services body” described in Schedule 1 of the *Freedom of Information and Protection of Privacy Act (FOIPPA)* is a “public body” required to disclose information to the Representative in response to a request pursuant to s. 10 of the RCY Act.
15. Where s. 10 applies, CLBC is required to provide any record in its custody or control, even if CLBC did not create the document and the document was created by a third party.
16. *FOIPPA* expressly authorizes CLBC and any other public body required to provide information under s. 10, to disclose personal information to the RCY. *FOIPPA*, s. 33.1(1)(c).

## VI. Confidentiality and Security

17. The Representative’s confidentiality obligations are set out in s. 23 of the *RCY Act* and in Part 3 of *FOIPPA*.
18. CLBC will maintain confidentiality with respect to communications received from, and communications directed to, the Representative, and recognizes that under s. 3(1)(c) of *FOIPPA* such communications are exempt from access to information requests made under Part 2 of *FOIPPA*.

## VII. Initial Contact

19. The RCY will normally initiate contact for client issues by e-mail. The RCY advocate will send an email:
  - (a) To the CPD manager and the facilitator (if involved).
  - (b) Copied to the CLBC regional Quality Assurance Practice Consultant.
  - (c) Attaching an electronic copy of this Protocol.
  - (d) Attaching a copy of his or her s. 8 delegation from the Representative.
20. CLBC will determine if other staff (i.e. an analyst or QS manager) will also need to become involved.
21. CLBC will return the call or respond to the e-mail within two business days to confirm receipt and indicate when the information requested will be provided.
22. The CLBC response will provide information that will assist the RCY advocate to understand the situation and make a meaningful determination as to the proper nature and extent of the advocacy role in the particular case.

### VIII. Records Requests

23. An RCY request to CLBC for file records will be sent via email and accompanied by a s. 10 letter. The request must contain:
  - (a) A statement that the Requester is a delegate of the Representative under s. 8 of the *RCY Act*.
  - (b) A statement explaining who the Requester is advocating on behalf of.
  - (c) A description of records sought and the purpose for which the records will be used.
24. CLBC is not required to create new records or reports (e.g., case summaries) unless the parties agree in a particular case that such records will be created.

### IX. CLBC Response to Records Requests

25. RCY records requests will be directed to the facilitator and CPD manager involved in the case. The CLBC regional Quality Assurance Practice Consultant will be copied on this request.
26. The facilitator will acknowledge the RCY request within two business days.
27. The facilitator will inform his or her manager of the RCY request before forwarding records to the RCY.
28. CLBC will make every effort to provide timely response and disclosure for requested information, no later than five business days from the date of receipt of the request.
29. If CLBC is unable to disclose records within five business days from the date of receipt, CLBC must notify the RCY in writing prior to the expiry of that time with reasons for the delay and the expected date of receipt of the records.

### X. Access to Information Management System (PARIS)

30. CLBC will grant the RCY read-only access to its Information Management System (PARIS). This access will be granted only for the specific purpose of accessing the files of youth (as defined by the *RCY Act*) and young adults for whom the RCY has the mandate to provide advocacy services. Access to PARIS will be pursuant to the Information Sharing Agreement signed concurrently with this Protocol.
31. The Associate Deputy Representative (ADR) will designate specific RCY advocacy staff to have access to PARIS. The specific RCY staff will include only those who have been delegated responsibility under s. 8 of the *RCY Act*, for the advocacy function by the Representative (Intake Analyst/Senior Advocates/Advisors and Directors). Advocates will not be granted direct access to the PARIS system. Advocates wanting information from the PARIS system will make their request to the designated RCY advocacy staff.
32. To determine whether a youth or young adult is currently receiving CLBC services, RCY staff will contact designated CLBC staff who will access PARIS, advise as to whether CLBC services are being provided, and provide contact information for the involved CLBC staff. The designated CLBC staff will provide the required information in a timely fashion and within the same business day.

## XI. Role of Advocate for Service Quality

33. Both parties recognize that an individual seeking advocacy support may choose to contact either the Advocate for Service Quality, the RCY, or both.
34. The Advocate for Service Quality, appointed by the Minister, helps adults with developmental disabilities and transitioning youth with special needs and their families have access to supports and services that are available. The Advocate works in collaboration with, but independently of, CLBC and government ministries. The Advocate for Service Quality may work with the RCY, Ombudsperson, and the Public Guardian and Trustee when those independent offices are also involved with the same individual.

## XII. Transition Planning

35. As the RCY and CLBC are both involved with youth who are transitioning from the Ministry of Children and Family Development (MCFD) to CLBC, this Protocol is informed by existing Protocols and operating agreements that pertain to youth transition, in particular:
  - *Cross-Ministry Transition Planning Protocol for Youth with Special Needs*
  - *Services for Transitioning Youth Operating Agreement between MCFD/Delegated Aboriginal Agency (DAA) and CLBC.*<sup>1</sup>

<sup>1</sup> The 2009 *Cross-Ministry Transition Planning Protocol for Youth with Special Needs*, ([http://www.mcf.gov.bc.ca/spec\\_needs/pdf/transition\\_planning\\_protocol.pdf](http://www.mcf.gov.bc.ca/spec_needs/pdf/transition_planning_protocol.pdf)) is an agreement between nine government organizations describing how they will work together to support the transition of youth with special needs to adulthood. This protocol provides a framework for the *Services for Transitioning Youth Operating Agreement between MCFD/Delegated Aboriginal Agency (DAA) and CLBC*. The operating agreement establishes practices and procedures that promote collaborative practice and sound planning, for youth who are receiving MCFD/DAA services and are considered eligible for services from CLBC as adults. This agreement clarifies the roles and responsibilities for CLBC and MCFD/DAA staff and supports staff to collaborate with the youth, their parent(s)/foster caregiver(s) and other transition planning team members to support the transition planning process. Other relevant cross ministry planning protocols and documents are referenced in the Appendices.

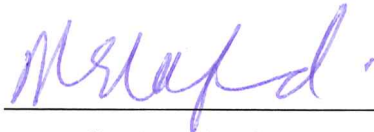
**XIII. Protocol Review and Conflict Resolution**

- 36. The parties agree to meet periodically, and no less than once per year, to review the operation of this Protocol, any issues arising from it and any amendments that either party believes is appropriate.
- 37. Where conflict arises with regard to the interpretation or administration of this Protocol, the parties will attempt to resolve the issue in a timely manner and locally wherever possible.
- 38. The route for resolution between staff of the organizations is as follows:

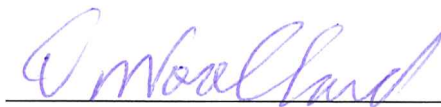
RCY	Community Living BC
Advocate	Facilitator
Senior Advocate	CPD Manager/QS Manager
Director of Advocacy for Youth and Young Adults	Director of Regional Operations

- 39. If the issue is still not resolved, the matter will be identified to the Executive of both organizations.

IN WITNESS WHEREOF the Parties have executed this Protocol on the dates indicated below.



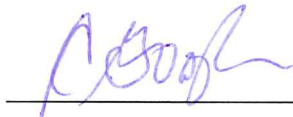
**Mary Ellen Turpel-Lafond**  
Representative for Children and Youth



**Doug Woollard**  
Interim Chief Executive Officer  
on behalf of CLBC



**Melanie Mark**  
Associate Deputy Representative  
for Children and Youth



**Carol Goozh**  
Vice President, Policy and  
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