



Representative's Report

Critical Injuries and Deaths: Reviews and Investigations

Update # 27

Purpose

The purpose of the Representative for Children and Youth's (RCY) 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 serving systems. These reviews and investigations are done in a timely, fair, respectful and thorough manner.

Reporting Period: Feb. 1, 2016 to May 31, 2016¹

During this reporting period, 247 critical injuries and 37 deaths of B.C. children and youth who were in care or receiving reviewable services within the previous year were reported to the Representative.

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 7). A summary of these initial screenings is on the following pages.

Reporting of Critical Injuries and Deaths

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 reported as outlined in the *Representative for Children and Youth Act (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. Further, the Representative recommended the policy be communicated to all MCFD staff, delegated Aboriginal Agencies and service provider partners or public bodies, and be fully implemented by March 1, 2011.

That policy has now been finalized and since March 1, 2011, MCFD has been reporting critical injuries in a number of areas that were not historically reported to the Representative. An updated policy was introduced in June 2015 and training completed on the updated Reportable Circumstances Policy in the same month. Subsequently, the number of Reportable Circumstances received by the Representative has increased.

¹ This information is based on reports received by the Representative's Office at the time of this update. These numbers may change if additional reports of critical injuries, serious incidents (see MCFD definition on p.8) or deaths that occurred in this reporting period are subsequently received by the Representative, or if additional information is received.



Critical Injuries:

Of the 247 critical injuries received, 83 were determined not to have met the criteria² for an RCY review under the Representative's legislative mandate (explained on page 7).

RCY reviews are being undertaken on the remaining 161 critical injuries. Decisions about whether to review three are pending the receipt of further information.

A. Critical Injuries 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	14	5	0
Age 6 – 12 years	31	18	0
Age 13 – 18 years	195	135	3
Total	247	161	3

B. In Care Status of the Critical Injuries Selected for Review

Age	Child or Youth In Care	Child or Youth Not In Care
Under 1 year old	1	2
Age 1 – 5 years	5	0
Age 6 – 12 years	17	1
Age 13 – 18 years	111	24
Total	134	27

C. Number of Aboriginal Children or Youth of the Critical Injuries Selected for Review

Age	Aboriginal Child or Youth	Non-Aboriginal Child or Youth
Under 1 year old	3	0
Age 1 – 5 years	3	2
Age 6 – 12 years	14	4
Age 13 – 18 years	84	48
Total	104	54

*Chart does not include three cases where Aboriginal status is unknown.

² All critical injuries and serious incidents (see MCFD definition on p.8) reported to the Representative are screened to determine whether they meet criteria established by 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:

Of the 37 deaths, 22 were determined not to have met the criteria³ for an RCY review under the Representative's legislative mandate (explained on page 7). A decision about whether to review 4 deaths is pending the 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	14	5	2
Age 1 – 5 years	5	0	1
Age 6 – 12 years	5	0	0
Age 13 – 18 years	9	4	1
Age Over 19 Years Old	4	2	0
Total	37	11	4

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	5
Age 1 – 5 years	0	0
Age 6 – 12 years	0	0
Age 13 – 18 years	0	4
Age Over 19 Years Old	0	2
Total	0	11

C. Number of Aboriginal Children and Youth Selected for Review

Age	Aboriginal Child or Youth	Non-Aboriginal Child or Youth	Unknown Aboriginal Status of Child or Youth
Under 1 year old	4	0	1
Age 1 – 5 years	0	0	0
Age 6 – 12 years	0	0	0
Age 13 – 18 years	2	2	0
Age Over 19 Years Old	1	1	0
Total	7	3	1

³ All deaths reported to the Representative are screened to determine whether they meet criteria established by 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: ⁴

June 1, 2007 ⁵ to May 31, 2016

During this period, **2,682** critical injuries and **878** 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 RCY. All have received an initial screening.

Critical Injuries

Of the 2,682 critical injuries, 912 did not meet criteria for an RCY review. Decisions about whether to review 71 of the critical injuries are pending the receipt of further information.

The remaining 1,699 critical injuries have been identified for an RCY review.

Completed Critical Injury Reviews and Investigations:

- 19 critical injuries reviewed have been identified for RCY investigations.
- An RCY investigation of a critical injury was completed and a public report (*Isolated and Invisible: When Children with Special Needs are Seen but Not Seen*) was released in June 2011.
- An RCY Aggregate Review, including 74 of these critical injuries, was completed, and a public report (*Trauma, Turmoil and Tragedy: Understanding the Needs of Children and Youth at Risk of Suicide and Self-Harm*) was released in November 2012.
- An RCY investigation of a critical injury was completed and a public report (*Who Protected Him? How B.C.'s Child Welfare System Failed One of Its Most Vulnerable Children*) was released in February 2013.
- An RCY investigation of a critical injury was completed and a public report (*Children at Risk: The Case for a Better Response to Parental Addiction*) was released in June 2014.
- An RCY aggregate review, including 29 of these critical injuries, was completed, and a public report (*Who Cares? B.C. Children with Complex Medical, Psychological and Developmental Needs and their Families Deserve Better*) was released in December 2014.
- An RCY investigation of a critical injury was completed and a public statement on the report (*Approach with Caution: Why the Story of One Vulnerable B.C. Youth Can't be Told*) was released in May 2016.
- The remaining critical injuries will either be included in future aggregate reviews, are being individually reviewed, or have been individually reviewed.

The investigations and reports listed above have been publicly released and are available at www.rcybc.ca.

⁴ This information is based on reports received by the Representative at the time of this update. These numbers may change if additional reports of critical injuries or deaths that occurred in this reporting period are subsequently received by RCY, or if additional information is received.

⁵ The reporting period begins June 1, 2007, because Part 4 of the *RCY Act* was proclaimed on that date, giving the Representative legislative power to conduct reviews and investigations.



Deaths

Of the 878 deaths, 516 did not meet criteria for an RCY review. Decisions about whether to review 33 of the deaths are pending the receipt of further information. The remaining 329 deaths have been identified for an RCY review.

Completed Death Reviews and Investigations:

- Since June 1, 2007, 26 deaths reviewed have been identified for RCY investigations.
- Two RCY investigations of four of these deaths have been completed and public reports have been released (*Honouring Christian Lee- No Private Matter: Protecting Children Living With Domestic Violence* was released in September 2009 and *Honouring Kaitlynn, Max and Cordon: Make Their Voices Heard Now* was released in March 2012).
- An RCY aggregate review, including 19 of these deaths, was completed, and a public report (*Fragile Lives, Fragmented Systems: Strengthening Supports for Vulnerable Infants*) was released in January 2011.
- An RCY aggregate review, including 11 of these deaths, was completed, and a public report (*Trauma, Turmoil and Tragedy: Understanding the Needs of Children and Youth at Risk of Suicide and Self-Harm*) was released in November 2012.
- An investigation into one death was completed and a public report (*Lost in the Shadows: How a Lack of Help Meant a Loss of Hope for One First Nations Girl*) was released in February 2014.
- An RCY aggregate review, including two of these deaths, was completed, and a public report (*Who Cares? B.C. Children with Complex Medical, Psychological and Developmental Needs and their Families Deserve Better*) was released in December 2014.
- An RCY investigation into the death of a young woman was completed and a public report (*Paige's Story: Abuse, Indifference and a Young Life Discarded*) was released in May 2015.
- The remaining deaths will be included in future Aggregate Reviews, are being individually reviewed or have been individually reviewed.

The investigations and reviews listed above have been publicly released and are available at www.rcybc.ca.



REPRESENTATIVE FOR
CHILDREN AND YOUTH

Select Standing Committee Referrals Update:

The Select Standing Committee on Children and Youth referred an additional 20 deaths and two critical injuries to the RCY. These deaths and critical injuries are not included in the Overall Summary numbers above and all occurred prior to June 1, 2007, at which time legislation was passed giving the Representative power to conduct reviews and investigations. All 20 deaths and both critical injuries have been reviewed and have resulted either in aggregate reviews and/or investigations, or no further action.

The investigations and reviews listed above have been publicly released and are 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 (RCY Act)*, for an RCY review (defined below).

RCY Review:

Critical injuries and deaths that do meet the criteria under the *RCY 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 in order 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 (CFCS 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 BC; and additional "designated services" that may be designated under a Regulation.



MCFD Critical Injury Definition:

A critical injury is an injury to a child or youth that has resulted in or that may in the future result in a serious impairment of the child or youth's health.

- **MCFD Critical Injury Definition:**

MCFD critical injury reports are reports of a child or youth who has received or whose family has received an MCFD/DAA-provided reviewable service within the preceding 12 months. A critical injury is an injury to a child or youth that has resulted in or that may in the future result in a serious impairment of the child or youth's health. A serious impairment has occurred when a child or youth:

- Is unable to carry out their usual day-to-day activities on an ongoing basis, or
- Requires considerable ongoing support to carry out their usual day-to-day activities.

The impairment may be physical and/or emotional in nature.

- **MCFD Serious Incident Reportable Circumstance Reports:** MCFD serious incident reports are serious incidents involving a child or youth who is receiving a reviewable service AND is in care under the *CFCS Act*, is in care under the *Adoption Act*, is in an out-of-care placement including respite care under the *CFCS Act* s.5(2)(d); s.8; s.35(2) or s.41(2), is under a youth agreement under the *CFCS Act* s. 12.2 and/or is under the guardianship of the Director and the Public Guardian and Trustee (PGT).

A serious incident occurs when the child or youth is:

- lost or missing (age and developmental considerations are key)
- witness to, or, otherwise involved in, another person's critical injury or death
- diagnosed with a life threatening illness
- the subject of a report of abuse or neglect by a caregiver or in a care facility
- involved in high risk behaviour.

For a child or youth for whom the PGT is the property guardian and for whom MCFD or a DAA is also the guardian, the following are also reported to the PGT:

- any motor vehicle accident involving the child or youth
- any event which may mean that the child or youth could be sued, charged with an offense and/or entitled to compensation for a loss or an injury, either physical or emotional, and/or
- involved in other circumstances of a similar, serious nature.

- **RCY Critical Injury:** The Representative for Children and Youth Act definition of a critical injury is an injury to a child that may result in the child's death, or cause serious or long-term impairment of the child's health.