

CONSOLIDATED LIST OF RECOMMENDATIONS

In relation to the current requirements for periodic review of the *RCY Act*, the Representative recommends:

- Section 30 (1) of the Act be amended to remove the reference to determining whether the functions of the Representative are still required, and to simply state, like the governing statutes of the Information and Privacy Commissioner and the Human Rights Commissioner, that the Committee will undertake a comprehensive review of the Act every five years.
- Section 30 (2) of the Act be repealed.

See pages 10 to 15 of RCY submission for full discussion.

In relation to the *United Nations Convention on the Rights of the Child*, the Representative recommends:

- At minimum, section 6 of the Act be amended to require the Representative to take into account the *United Nations Convention on the Rights of the Child* in carrying out her functions in relation to children and youth.
- The Committee also give consideration to expanding the Representative's functions to include the education, promotion and monitoring of the rights of children and youth set out in the *United Nations Convention on the Rights of the Child*.

See pages 15 to 17 of RCY submission for full discussion.

In relation to the *United Nations Declaration on the Rights of Indigenous Peoples*, the Representative recommends:

- At minimum, section 6 of the Act be amended to require the Representative to take into account the *United Nations Declaration on the Rights of Indigenous Peoples* in carrying out her functions under the Act.
- The Committee also engage in a process of consultation with First Nations, Métis, Inuit and Urban Indigenous Peoples about means by which the Act can be strengthened to better reflect the experiences, needs and interests of First Nations, Métis, Inuit and Urban Indigenous Peoples.

See pages 17 to 19 of RCY submission for full discussion.

In relation to the assertion of jurisdiction over child and family services by First Nations, Métis and Inuit peoples, the Representative recommends:

- Section 22 of the Act be amended to clearly enable the Representative to enter into agreements with Indigenous Governing Bodies exercising jurisdiction over child and family services to engage the Representative to assist them in developing their own internal capacity to perform one or more of the Representative's functions, or for the Representative to directly perform one or more of her functions under the Act at the request of the Indigenous Governing Body.

See pages 19 to 20 of RCY submission for full discussion.

In relation to systemic advocacy, the Representative recommends:

- Section 6 of the Act be amended to expressly include systemic advocacy as a primary function of the Representative, linking this function to the current monitoring mandate.

See pages 21 to 22 of RCY submission for full discussion.

In relation to defining the Representative's individual advocacy and monitoring (systemic advocacy) jurisdiction respecting children and youth, the Representative recommends:

- The Committee give consideration to expanding the individual advocacy and monitoring (systemic advocacy) mandates of the Representative in relation to children and youth to include all publicly funded services for all children and youth, linking this expanded jurisdiction to an additional purpose of the education, promotion and monitoring of the rights of children and youth.
- If a decision is made to retain the Representative's jurisdiction to a more limited focus on publicly funded services to children and youth with extra support needs, the Committee give consideration to clarifying the scope of services and children and youth served by describing services generically, including:
 - a) early childhood development services
 - b) child welfare services
 - c) mental health services for children and youth
 - d) addiction services for children and youth
 - e) services for children and youth with special needs
 - f) special education (or inclusion) services for children and youth
 - g) youth justice services
 - h) services for youth in their transition to adulthood; and

give the authority and responsibility to the Representative to develop agreements with ministries and public bodies as to which particular services and programs are to be included and, in the event of disagreement, the authority to refer the matter to the Committee itself for resolution.

- The Committee give consideration to including services to gender minority children and youth in the above-noted list.
- At minimum, the Representative's current mandate in relation to children and youth with special needs be expanded to include directly relevant services administered by health authorities.

See pages 22 to 28 of RCY submission for full discussion.

In relation to the jurisdiction respecting young adults, the Representative recommends:

- The Committee consider amendments to enable the Representative to provide individual advocacy services to young adults in respect of services necessary to support their transition to adulthood, giving the authority and responsibility to the Representative to develop agreements with ministries and public bodies as to which particular services and programs are to be included and, in the event of disagreement, the authority to refer the matter to the Committee itself for resolution.

- If a decision is made to maintain the current approach of designating services to young adults by way of regulation, at minimum, the scope of services be expanded to include mental health and addiction services for young adults who were formerly in care or eligible for or in receipt of CLBC services. As well, the Committee should give consideration to the inclusion of housing services for young adults and specialized health services and supports for CLBC young adults who have significant medical needs.
- In the interest of accessible language, recent amendments changing the wording of “young adult” to “included adult” be changed back to “young adult”.
- “Young adult” (or “included adult”) be defined, at minimum, as adults under the age of 27 years who:
 - a) are eligible for or in receipt of Community Living BC services or,
 - b) are eligible for the full range of extended placement, housing, financial, transition worker, and life skills and mental health supports set out in the recently announced government initiative to enhance services and supports for young adults who were formerly in care;
 and the Committee give consideration to defining “young adult” for the purposes of (b) above more broadly as a person who was formerly in care under any legal status or agreement under the *CFCS Act* at any previous time.
- The Act be amended to give the Representative a systemic advocacy (monitoring) function in relation to services to young adults who were formerly in care and young adults in receipt of or eligible for CLBC services.
- The Act be amended to require the Representative to take into account the *United Nations Declaration on the Rights of Persons with Disabilities* in carrying out her functions in relation to young adults who are eligible for CLBC services.

See pages 28 to 34 of RCY submission for full discussion.

In relation to reviews and investigations, the Representative recommends:

- The definition of critical injury in section 1 of the Act be amended to underscore that “health” as used in the Act includes mental and emotional health. Further, consideration be given to replacing “critical injury” with “serious harm”.
- Section 11 of the Act be amended to clarify that a critical injury or death that occurs in relation to a child who is eligible for a reviewable service – such as being on a waiting list for service – is subject to review and investigation.
- Section 11 of the Act be amended to clarify that the Representative may make recommendations to a public body or director in an aggregate review report on deaths or critical injuries.
- The Act be amended to provide that, where a critical injury has arisen while the injured person was a child, an investigation may include events and incidents that occurred at least one year after the child reached 19 years of age, where the Representative believes that such an investigation raises important public policy issues.

See pages 34 to 40 of RCY submission for full discussion.

In relation to information-gathering and disclosure, the Representative recommends that the Act be amended to:

- Give the Representative the discretion to disclose limited summary information of the results of the Representative's reviews of critical injuries and deaths to birth or adoptive parents of a child, regardless of whether that parent has or had guardianship, subject to enumerated criteria and to constraints on the subsequent disclosure or use of that information.
- Enable the Representative to directly disclose the results of reviews to delegated Indigenous Child and Family Services Agencies.
- Authorize the Representative to publicly report anonymized information about reviews of critical injuries and deaths, including the disposition of reviews and case summaries.

See pages 40 to 44 of RCY submission for full discussion.

In relation to the authority to monitor, review, audit and conduct research, the Representative recommends:

- Section 6(1)(b) of the Act be amended to give clear authority to monitor, review, audit and conduct research in respect of quality assurance processes for all designated services.

See pages 44 to 45 of RCY submission for full discussion.

In relation to providing information to children and youth about the Representative and facilitating contact by them, the Representative recommends:

- Section 26 of the Act be amended to provide that a child or youth in a foster home, staffed residential program, hospital, youth custody centre, facility, or other place where a designated service is provided:
 - must be informed about the Representative's role in language suitable to the child or youth's level of understanding
 - if requested, the child or youth has a right to be assisted in immediately contacting the Representative
 - the child or youth has a right to privacy in all communications with the Representative.
- The Committee consider whether these same rights should be extended to young adults who are in receipt of CLBC services.

See pages 45 to 47 of RCY submission for full discussion.

In relation to the qualifications of a Deputy Representative, the Representative recommends:

- The qualifications of a Deputy Representative set out in the *Representative for Children and Youth Regulation* be clarified.

See page 47 of RCY submission for full discussion.