



# Representative's Report

## Critical Injuries and Deaths: Reviews and Investigations

Update #29

### 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: Oct. 1, 2016 to Jan. 31, 2017<sup>1</sup>

During this reporting period, **230** critical injuries and **46** deaths of B.C. children and youth who were in care or receiving reviewable services within the previous year were screened by the Representative and staff. This initial screening determines 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*. 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 (DAA) and service provider partners or public bodies and be fully implemented by March 1, 2011.

The policy was implemented 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.

<sup>1</sup> 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 **230** critical injuries received, **44** were determined not to have met the criteria<sup>2</sup> for an RCY review under the Representative's legislative mandate (explained on page 7).

RCY reviews are being undertaken on the remaining **184** remaining critical injuries. Decisions about whether to review **two** are pending the receipt of further information.

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

Age	Total Number Screened	Selected for RCY Review	Decision Pending
Under 1-year-old	7	3	0
Age 1 – 5 years	20	14	0
Age 6 – 12 years	36	31	1
Age 13 – 18 years	166	135	1
Age 19 and over	1	1	0
<b>Total</b>	<b>230</b>	<b>184</b>	<b>2</b>

#### 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	6	8
Age 6 – 12 years	24	7
Age 13 – 18 years	111	24
Age 19 and over	0	1
<b>Total</b>	<b>142</b>	<b>42</b>

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

Age	Aboriginal Child or Youth	Non-Aboriginal Child or Youth	Unknown Aboriginal Status of Child or Youth
Under 1-year-old	2	1	0
Age 1 – 5 years	9	5	0
Age 6 – 12 years	22	7	2
Age 13 – 18 years	91	43	1
Age 19 and over	1	0	0
<b>Total</b>	<b>125</b>	<b>56</b>	<b>3</b>

<sup>2</sup> All critical injuries and serious incidents (see MCFD definition on p.8) reported to the Representative are screened to determine if 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 **46** deaths, **32** were determined not to have met the criteria<sup>3</sup> for an RCY review under the Representative's legislative mandate (explained on page 7). A decision about whether to review **one** case is pending the receipt of further information. RCY reviews are being undertaken on the remaining **13** deaths.

### A. Deaths Reported and Selected for Review

Age	Total Number Reported	Selected for RCY Review	Decision Pending
Under 1-year-old	11	4	1
Age 1 – 5 years	8	2	0
Age 6 – 12 years	5	1	0
Age 13 – 18 years	16	3	0
Age Over 19-years-old	6	3	0
<b>Total</b>	<b>46</b>	<b>13</b>	<b>1</b>

### 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	11
Age 1 – 5 years	0	8
Age 6 – 12 years	0	5
Age 13 – 18 years	2	14
Age Over 19-years-old	0	6
<b>Total</b>	<b>2</b>	<b>44</b>

### C. Number of Aboriginal Children and Youth Deaths Selected for Review

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

<sup>3</sup> All deaths reported to the Representative are screened to determine if 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:<sup>4</sup>

### June 1, 2007<sup>5</sup> to Sept. 30, 2016

During this period, **3,187** critical injuries and **960** 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 **3,187** critical injuries, **1,012** did not meet the criteria for an RCY review. Decisions about whether to review **75** of the critical injuries are pending the receipt of further information.

The remaining **2,100** critical injuries have been identified for an RCY review.

## Completed Critical Injury Reviews and 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.

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<sup>4</sup> 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.

<sup>5</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 Representative legislative power to conduct reviews and investigations.



- An RCY aggregate review, including 145 of these critical injuries, was completed and a public report (*Too Many Victims: Sexualized Violence in the Lives of Children and Youth in Care*) was released in October 2016.

The investigations and reports listed above have been publicly released and are available at [www.rcybc.ca](http://www.rcybc.ca).

### Deaths

Of the **960** deaths, **575** did not meet criteria for an RCY review. Decisions about whether to review **34** of the deaths are pending the receipt of further information. The remaining **351** deaths have been identified for an RCY review.

### Completed Death Reviews and 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 Kaitlynne, 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.
- An RCY investigation into the death of a young man was completed and a public report (*A Tragedy in Waiting: How B.C.'s mental health system failed one First Nations youth*) was released in September 2016.



- An RCY investigation into the death of a young man was completed and a public report (*Last Resort: One family's tragic struggle to find help for their son*) was released in October 2016.
- 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](http://www.rcybc.ca).

**Select Standing Committee Referrals Update:**

The Select Standing Committee on Children and Youth referred an additional 20 deaths and two critical injuries to the Representative for Children and Youth. 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](http://www.rcybc.ca).



## DEFINITIONS

### RCY Initial Screening:

The Representative 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, 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* 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 Serious Incident Reportable Circumstance Reports:**

MCFD's Reportable Circumstance Policy (June 1, 2015) describes two types of incidents: critical injuries and serious incidents. The Representative conducts an initial screening on all of the reportable circumstance reports received by MCFD regardless of the type of reportable circumstance report provided. The Representative determines which reports submitted by MCFD meet RCY's criteria for a critical injury. In general, 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. 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 PGT.

**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.