

Joint Special Report



Hearing the Voices of Children and Youth

**A Child-Centred Approach
to Complaint Resolution**

January 2010



REPRESENTATIVE FOR
CHILDREN AND YOUTH



ombudsperson
B.C.'s Independent Voice For Fairness

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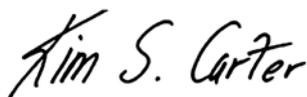
The Honourable Bill Barisoff
Speaker of the Legislative Assembly
Suite 207, Parliament Buildings
Victoria, BC V8V 1X4

Dear Mr. Speaker,

We have the honour of submitting to the Legislative Assembly of British Columbia this joint special report, *Hearing the Voices of Children and Youth: A Child-Centred Approach to Complaint Resolution*. This report is prepared in accordance with Section 6 of the *Representative for Children and Youth Act*, which makes the Representative responsible for monitoring and reviewing the provision of services and commenting publicly upon her findings, and Section 31 of the *Ombudsperson Act*, which enables the Ombudsperson to make a special report and comment publicly about matters relating to the duties of the Ombudsperson.

Hearing the Voices of Children and Youth: A Child-Centred Approach to Complaint Resolution focuses on how to appropriately engage young people in speaking out, how to ensure children and youth have a voice in matters that affect them, and how the Ministry of Children and Family Development can strengthen its complaint resolution process to ensure that it is child-centred. It is also our hope that other child and youth-serving organizations find the best practice framework for a child-centred complaint resolution process useful in establishing their own processes.

Sincerely,



Kim Carter
Ombudsperson



Mary Ellen Turpel-Lafond
Representative for Children and Youth

pc: Mr. E. George MacMinn, QC
Clerk of the Legislative Assembly

Ms. Joan McIntyre, Chair, Select Standing Committee on Children and Youth



The Representative for Children and Youth and the Ombudsperson are both independent officers of the British Columbia Legislature.

The *Office of the Representative for Children and Youth* supports British Columbia's children and youth under 19 years of age, with a mandate to assist those in government care or receiving government funded services or programs.

The Office works with young people to ensure their voices are heard and advocates for changes to improve the child welfare system.

The *Office of the Ombudsperson* works on behalf of all British Columbians, including children, youth and their families, to make sure everyone receives fair, reasonable and equitable treatment by government authorities.

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Executive Summary

When it comes to resolving complaints, children and youth – particularly those living outside the parental home – have unique needs. Like clients of any organization, young people receiving services from the government need to have a say in decisions that affect them. They need to be able to express concerns about the services they receive or believe they should be receiving and know their concerns will be carefully considered and responded to in a timely and appropriate manner. They need to know they have the right to complain, that it's okay to complain and there are processes in place for them to do so.

At any given time in the past year, nearly 16,000 British Columbia children and youth lived out of the family home, more than half of them in care. While most young people have a parent or guardian to advocate for them and ensure their rights are respected, their views heard and their needs met, for children and youth in care, the government is their guardian. When the government is acting as a guardian it needs to listen as a caring parent would and make thoughtful decisions that consider the views of the child.

Young people need to be able to express concerns in a way that works for them.

A child or youth's sense of time is not the same as for adults. A month can seem like an eternity. Children and youth are constantly growing and changing, so processes need to be timely and move at a faster rate than those that respond to adult concerns. Youth need accessible, effective and responsive ways to complain with government responding as a kind and judicious parent. When they complain, they need to see the results soon after.

As the Honourable Ted Hughes, QC, said in the *BC Children and Youth Review* (Hughes Review), “We have to remember, when dealing with disagreements involving children, that children's lives go by very quickly, a process that takes weeks to produce a permission slip for a field trip is beside the point, from the child's perspective.”

For the complaint process to work, children and youth need to be aware of it and able to use it. Our review found there is no one process in place for programs and services to children and youth across British Columbia and, while there are promising examples of complaint resolution in B.C., young people generally don't know they exist.

“I never knew about the process, and I'd like to be educated about it more, so in the present and future I know how to resolve a situation properly without my rights being violated,” one former youth in care told this review.

Another said in the 12 years she had been in care she didn't know there was a way to complain.

In conducting this review, the B.C. Representative for Children and Youth (the Representative) and the B.C. Ombudsperson used a child-centred framework to examine the complaint resolution process of the Ministry of Children and Family Development (the ministry) regional operations and of B.C. delegated Aboriginal Agencies.

They determined that a responsive child-centred complaint resolution process must have the key elements of awareness, accessibility and timeliness. It must be fair and transparent and incorporate quality assurance and accountability.

Children need to know that:

- they can complain about services
- they should start by contacting the ministry
- if they're not sure who to talk to or how to proceed they can contact the Office of the Representative for Children and Youth
- if they complain and are unhappy with the process or responses they receive they can contact the Office of the Ombudsperson.

Getting information to children and youth about how to complain has been challenging for MCFD and the review found that traditional ways of communicating – brochures and web postings – may not be where young people get information. To reach young people, information needs to be accessible and in familiar mediums.

Review Findings

Hearing the voices of children and youth is integral to decision making and this review found that MCFD's regional complaint resolution process operates under a legal framework that lends itself well to a child-centred approach. The Representative and the Ombudsperson noted seven opportunities for improvement:

1. the process needs to start and be completed within 30 days of a complaint
2. decision makers should not be involved in the issue under complaint
3. young people should be engaged in providing information about how to make the process accessible
4. the process needs to be simplified
5. MCFD must have a province-wide system to track complaints
6. a comprehensive quality assurance regime is required for continuous learning, and
7. MCFD needs to make sure delegated Aboriginal Agencies follow complaint resolution standards.

The Ombudsperson and the Representative believe the observations raised in this review will provide the ministry with tools to further strengthen its regional complaint resolution process and build a more responsive and effective child-centred process.

They hope that other child and youth-serving organizations find the best-practice framework for a child-centred complaint resolution process useful in establishing their own processes.

Introduction

Purpose of the Review

In his 2006 review of B.C.'s child protection system, Mr. Hughes recommended that MCFD have a complaint system that young people would find accessible, easy to use and would provide a timely response.

Two years after the Hughes Review, the Representative and the Ombudsperson, who have complementary roles with respect to children and youth receiving services from the provincial government, began to collect information to see how the ministry's complaint resolution process had improved in the two years since the Hughes recommendations were accepted by the provincial government.

In examining MCFD's regional complaint resolution processes the Representative and the Ombudsperson used a child-centred lens to evaluate the policy and processes.

A child-centred perspective is consistent with provincial legislation, including the *Child, Family and Community Service Act (CFCSA)* which requires that children be informed of the services available to them and encouraged to participate in decisions affecting them with "the best interests of the child" a consideration in making service delivery decisions.² A child-centred approach also supports B.C. in meeting its obligations under the *United Nations Convention on the Rights of the Child* to hear children and youth and encourage their participation.

The child-centred approach¹

In a child-centred approach, the views and interests of the child or youth are considered, they participate in decisions affecting them and they are supported in reaching their full potential. A child-centred approach is demonstrated by:

- respecting and valuing children as individuals
- seeing children as individuals with their own interests and abilities
- focusing on children's needs and interests, now and in the future
- respecting the competence of children and their developing ability to make decisions.

The Review

The methodology used in this review included:

- a literature review identifying the reasons for, and benefits of, listening to children and giving them a voice in decisions affecting them
- developing a framework for a child-centred complaint resolution process based on best practice mechanisms and approaches to dispute resolution, complaint handling, quality management, participation and engagement

¹ Defined for this review

² A copy of section 2, Guiding principles; section 3, Service delivery principles; and, section 4, Best interests of child, of the *Child, Family and Community Service Act* are included as Appendix 1.

Introduction

- a review of MCFD's complaint resolution process for regional services and those of delegated Aboriginal Agencies, including legislation, policies, processes and practices and a select review of a sample of complaint files and records
- consultations with stakeholders, including young people, ministry regional staff, and staff from delegated Aboriginal Agencies
- meetings with ministry provincial office staff
- an analysis of the ministry and delegated Agency complaint resolution processes in the context of a child-centred framework and identification of opportunities for improvement to processes and practices.

The Importance of Hearing the Voices of Children and Youth

Children and youth are among the most vulnerable members of society. Those under 18 cannot vote and, except in specific circumstances, have no independent legal standing. Government has no obligation to consult with young people in establishing laws or policies that impact them. While there is some provision in provincial family relations and child protection legislation to be heard, and it is an obligation under the *United Nations Convention on the Rights of the Child* to solicit the views of children and youth in decisions affecting them, there is little public accountability to demonstrate how government considers the views of young people.

Yet young people count. They need to know that what happens to children and youth in B.C. matters and that their views are important.

Research shows that involving youth in decisions:

- improves their development
- promotes their participation in society
- improves services
- enhances protection for vulnerable children and youth.

When young people are engaged they learn to express themselves, gain a sense of control, learn social responsibility and socio-political awareness. Adolescent health and psychological well-being improve, planning and communication skills build, and problem behaviours reduce. Participation promotes a sense of belonging and the ability to have an impact. These outcomes all contribute to positive identity development.

Citizenship and social inclusion (Children and Young People's Unit (CYPU), 2001; Yohalem and Martin, 2007) also develop through youth participation in decision-making, values that are vital to ensuring that children and youth become active, involved and contributing members of society. Conversely, evidence shows that a lack of youth involvement can be a developmental risk factor (Pancer et al, 2007 as cited in Yohalem and Martin, 2007).

Giving children and youth an active voice in decision-making helps to ensure that decisions are better informed, more accurate and relevant, and more genuinely meet the needs of children and youth (CYPU, 2001; Sinclair, 2000; Sinclair, 2004). Actively engaging young people will help to shape services to meet real rather than presumed needs (Sinclair, 2002; CYPU, 2001).

In consultations on family policy by the Dutch government with youth aged 14 to 15, the youth revealed insights that policy-making adults had overlooked. By consulting with youth the overall quality of the policy was improved (De Winter, 2002).

The Importance of Hearing the Voices of Children and Youth

Youth participation in decision-making must be “real.” If young people feel their voices are not truly heard and that “listening” to their views is part of the process but not a real consideration in the decision, the results could be more harmful than not engaging them at all. Meaningful participation can lead to meaningful outcomes, but “tokenism” can leave young people feeling disillusioned and frustrated (Sinclair, 2004; De Winter, 2002; Hart, 1992).

Lansdown (2005) highlights the developmental benefits that participation and listening to the voices of children and youth can have in enhancing the protection of young people. Children and youth who are encouraged to express their views become empowered to expose and challenge violations of their rights and mistreatment or abuse. Those who are passively obedient are more vulnerable to abusive behaviour. When children know they can challenge abuse they become better able to understand the risks facing them and are able to take more responsibility for avoiding harm.

At any given time in the past year nearly 16,000 children and youth in B.C. were in the care of the government, a relative or other individual or in another government regulated and funded program.³

“I have been in care for 12 years and have never heard of a complaint process.”

– Former Youth in Care

These vulnerable children and youth often face challenges in seeking to understand and participate in decisions regarding the services they require given their circumstances and the power of adults in their lives. They may:

- have experienced abuse, maltreatment and neglect at the hands of the adults responsible for their care and protection
- have mental health issues or special needs requiring extra health, education or community supports for optimal and nurturing child development
- be in custody or on court-ordered conditions in the community
- have no stable, supportive adult in their life to help them voice their views and protect their rights.

³ Includes children and youth for whom the government is parent, those in the Child in the Home of a Relative program, Aboriginal children in the home of a relative in the federally administered First Nations Child and Family Services Program, children in kinship and out-of-care placements, and youth living independently on youth agreements through the ministry.

For most young people, a parent or guardian is their natural advocate. For children and youth in care, the fact that the government is their guardian, but not their day-to-day caregiver, limits a child's ability to have their views heard by their official guardian. Generally, parents make choices and decisions for their children based on their intimate understanding of the child gained through daily and long-term interactions. The depth of understanding that exists between parent and child is not the same when the government is the parent.

The rights of children in care “to be consulted and express their views, according to their abilities, about significant decisions affecting them” and “to be informed of their rights and the procedures available for enforcing their rights” are enshrined in the *CFCSA* legislation. This places an onus on the government to adopt strategies and measures to ensure that the rights of a child in care are protected and upheld. Policies, standards and practices requiring the views of children in care are critical and must be taken into account when making any decisions about the child.

Current State – Ministry and Delegated Aboriginal Agencies' Complaint Resolution Processes

The ministry's five regions⁴ have responsibility for delivering child protection, family development, and residential and foster care services. It also administers early childhood development programs, child care and services to children and youth with special needs as well as child and youth mental health services and youth custody, youth forensic psychiatric services and services for the hearing impaired. To provide services to Aboriginal children, youth and families the ministry has entered into agreements with 24 Aboriginal communities and organizations to administer child protection and family development services and programs. These delegated Aboriginal Agencies operate their own child and family services, subject to standards established in consultation with the Province.

The majority of children and youth involved with the ministry receive services from the regions, therefore this review focuses on the complaint resolution policy and processes for regional operations and for delegated Aboriginal Agencies. Provincial programs and services have distinct complaint resolution processes and were not considered in this review. Ministry contracted service providers are also outside the scope of this review.

The complaint resolution process is governed by the *Child, Family and Community Service Act* (section 93.1) and by the rules laid out in the *Child, Family and Community Service Regulation* (B.C. Reg. 527/95).⁵ The complaint resolution process must also adhere to the principles, best interests of the child and rights of children in care as stated in the *CFCSA*.

In 2008 the ministry completed a provincial complaint resolution policy that applies to all ministry regional programs and services. The policy states that complaint resolution processes should be child-centred, consider the child's view, and be well publicized, timely and accessible.

Each of the ministry's five regions is required to have a complaint resolution process that sets out how provincial policy is implemented in that region. Regional resolution consultants oversee the complaint resolution process in each region. Consultants do not have decision-making authority but provide general oversight and support to the regional process.

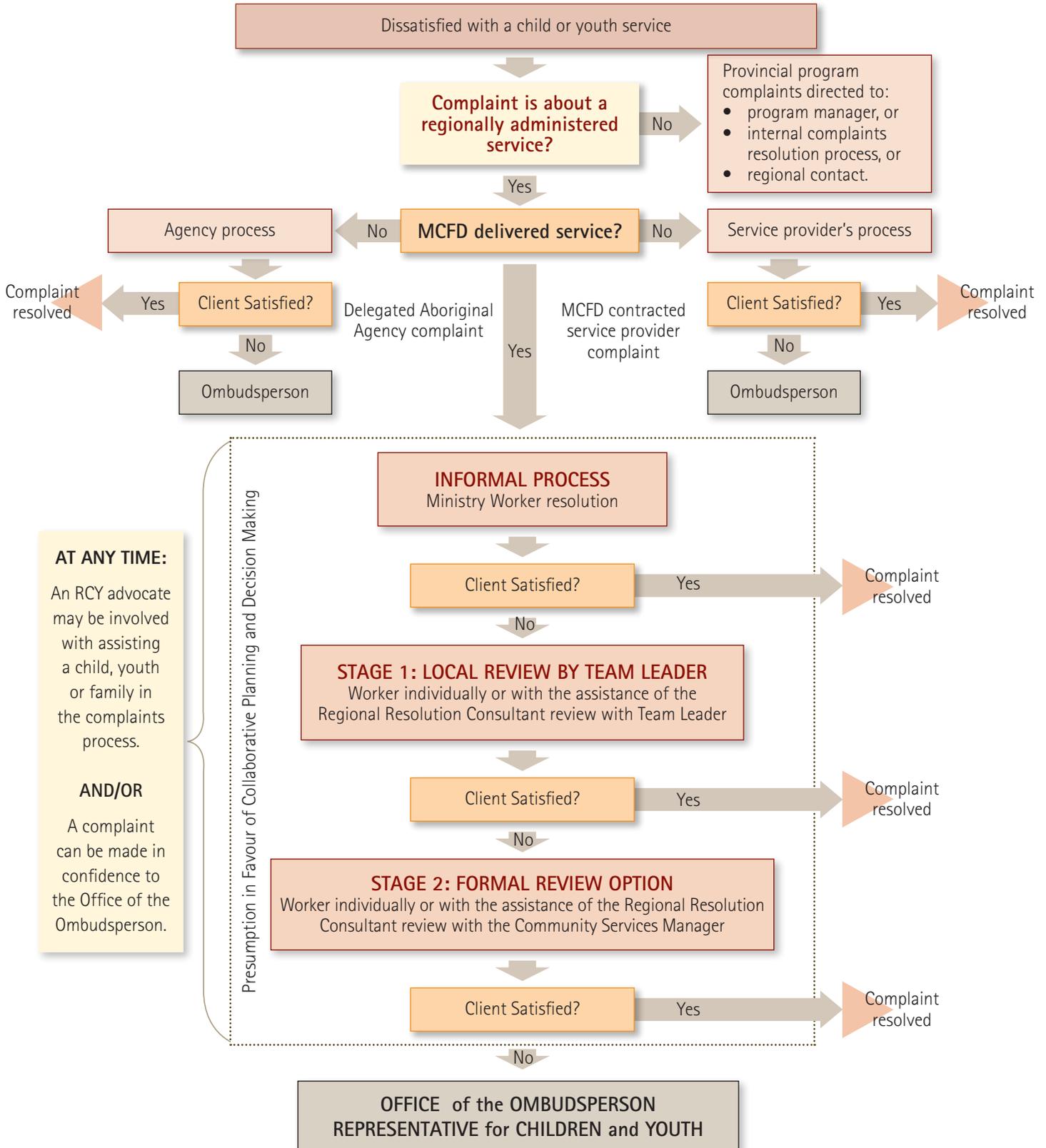
While each region's process may vary in detail, complaint resolution should begin informally between the complainant and their social worker. If the issue is not resolved informally, or the complainant does not want to engage in the informal process, they can proceed to the regional resolution process which has two steps:

1. local review by a team leader
2. formal review

⁴ The five regions are the North, Interior, Vancouver Coastal, Fraser and Vancouver Island.

⁵ See Appendix 2

Ministry's regional complaint resolution process



The first step involves the complainant and ministry staff reviewing the concern. Complainants are encouraged to try to resolve their issues at this level before proceeding to the formal resolution process. In the second step, a complainant who is not satisfied their concern has been addressed can request the matter be reviewed by someone with authority to overturn a decision that was made.

Delegated Aboriginal Agencies⁶ are required, under their Delegation Enabling Agreement with the Province, to develop a complaint resolution policy and process that adheres to the standards outlined in the Aboriginal Operational and Practice Standards and Indicators (AOPSI, revised July 2009).⁷

AOPSI Standard 16 “Client Complaint Process and Conflict Resolution” sets the overall policy that each delegated Aboriginal Agency must adhere to when establishing a process to address complaints related to service provision. Each Agency is responsible for establishing its own detailed process which will be reviewed annually.

The process must be child-centred, fair, open, accountable, accessible, timely, safe, provide for advocacy and support, and be responsive to each community. Delegated Agencies are also required to record, track and report out on the process within defined timelines and expectations. The standard also incorporates minimum requirements consistent with the provincial policy such as a call back within two business days, that a complaint must be reviewed within 30 days and that the outcome of the review will be provided within 60 days.

⁶ See Appendix 4

⁷ Where *Aboriginal Operational and Practice Standards and Indicators* is silent on an issue, ministry practice takes effect within delegated Agencies, and where delegated Agencies do not have a policy, ministry policies take effect.

Analysis

Ministry Complaint Resolution Policy and Process

Complaint resolution files⁸ in each of the ministry's five regions were reviewed to gain an understanding of how the regional processes are implemented and documented and of the file management practices and processes at a point in time. Regional staff involved in complaint resolution and provincial staff responsible for quality assurance were interviewed. Advocacy cases received by the Representative illustrated themes found in the review.

Advocacy Case Example: Non Child-Centred

When a 13-year-old youth came into care, the youth disagreed with a component of his plan of care. He did not understand why a certain term was included in the plan of care and felt his views weren't being considered.

The youth contacted the Office of the Representative for Children and Youth and spoke to an advocate who brought the youth's concerns to the attention of his social worker and team leader.

Ministry staff reassessed the situation and decided to maintain the term in question. Upset with this, the youth asked the advocate to initiate a formal complaint on his behalf. The advocate was told the complaint would go directly to step two of the formal regional complaint resolution process with the final decision being made by the community services manager.

The advocate questioned this since the community service manager had been involved in the earlier decision. Still, the community service manager reviewed the decision. Neither the youth nor the advocate were consulted.

The advocate had asked to be kept informed of the outcome of the review. However, during a phone call with the youth, the advocate learned the youth had received a letter stating the original decision was upheld and could be reassessed in three months. The ministry did not phone or visit the youth to ensure he understood the decision.

The advocate asked about the possibility of an administrative review, was informed that it was a different process than the complaint process, and was told the request should go to the Director of Integrated Practice. When the request was made, there was confusion about what an administrative review was and how it relates to the complaint process. It was determined that the complaint resolution process and administrative review were distinct and the Director did have the authority to conduct an administrative review. The term in the plan of care remained.

continued

⁸ Select few files, not intended to be a comprehensive audit.

continued from page 13

When the advocate followed up with the youth a few months later, the youth said he still did not understand why the term was included in the plan and that none of his social workers had discussed this with him.

Throughout this case, the youth had four different social workers over a period of seven months. The latter two were unaware of the youth's concerns. The advocate then raised the youth's views with the social worker, team leader and community service manager and asked whether the ministry was willing to reconsider its decision. The Director responded to the advocate that the original decision remained but would be revisited every three months.

At a meeting with the social worker to go over the decision and the supporting reasons, the youth was told the decision would be reviewed with him every three months and if this did not occur, or if he felt that his views were not being considered, he could contact his advocate again for assistance.

Child-Centred Elements That Require Improvement

Child voice	The youth was not able to express his views to his social worker and subsequent social workers did not seek his perspective.
Meaningful child participation	The youth had limited opportunity to participate in the decision-making process. There were limited face-to-face meetings between the youth and those involved in assessing his complaint.
Child friendly process	The decision made during the formal complaint resolution process was conveyed to the youth by a letter. There was no follow-up conversation with the youth to determine if he understood the decision. From a youth's perspective, the process becomes less meaningful when the willingness to reassess the situation is not followed up by the social worker.
Accessibility	There was confusion regarding the role of an administrative review. MCFD staff said an administrative review process was separate and distinct from the complaint resolution process and advocacy staff requested an administrative review in hopes of achieving an objective decision. There is no separate administrative review process. The term is used in the statute and regulations and identifies the legislative authority under which MCFD conducts its complaint resolution process.
Administrative fairness	The community service manager who made the final decision during the formal complaint resolution process reviewed her own decision made during the informal process.

Advocacy Case Example: Child-Centred

Barbara, a 15-year-old Aboriginal youth, returned to live with her biological mother after her ministry adoption placement broke down. She initiated the complaint resolution process with the ministry in order to address the following issues:

- continuation of respite care for mental health issues
- funding barriers in accessing health services
- clarity regarding her Aboriginal status under the *Indian Act*
- an explanation and apology for how she was interviewed in relation to her adoption placement breakdown.

Barbara sought the assistance of the Office of the Representative for Children and Youth to support her in the complaint process. An advocate from the Office was welcomed into the complaint resolution process at the dispute resolution meeting. During the meeting Barbara was supported by the RCY advocate to explain her views and concerns. The advocate used youth-friendly language and checked in with Barbara to ensure she understood what was being discussed.

Barbara felt her voice had been heard and her concerns were considered and addressed. She was satisfied with the complaint resolution process as well as the outcome, which included an apology from MCFD regarding its conduct in the investigation regarding the adoption placement breakdown, the continuation of respite services, the application of Jordan's Principle to have the youth's health needs met, and clarity of her status.

Child-Centred Elements Demonstrated in the Complaint Resolution Process

Child voice	The youth was able to express her views. MCFD staff considered and responded directly to those views.
Meaningful child participation	The youth was able to participate in a meeting where the youth's concerns were addressed.
Child friendly process	A youth-friendly environment was established for hearing the complaint and for ensuring that the youth understood the decisions that were made and the reasons why.
Accessibility	The youth was able to request and receive advocacy support throughout the process.
Timeliness	The complaint resolution process occurred in a timely fashion.

Awareness and Accessibility

A person who is receiving services, or thinks they should be receiving services, has the right to express their concerns about those services, actions or decisions. Information about how to complain should be accessible and easy to understand. And no matter where people live in B.C. the process must be the same from region to region.

Children and youth are a challenging audience to reach, the difficulty compounded by ages and maturity levels as well as literacy, mental health concerns, culture and language.

Regional staff told this review:

- “We know [we] are not getting information [to young people] and are struggling with how to get the information out there.”
- “Literacy is an issue and so forms are not so effective.”
- “Should consider translation of information into five major languages.”
- “We struggle with [clients who have] mental health and addiction problems who, due to their own issues cannot grasp or fully participate in the process.”

Regions have launched their own initiatives to build complaint process awareness with children and youth. These include a 2005 project to educate ministry staff and caregivers of their roles in informing children and youth in care about their rights and how to resolve issues and concerns. Among the material developed:

- a youth-friendly brochure and a wallet card for children and youth containing information about their rights and how to make a complaint
- a letter to children in care informing them of their rights and how to make a complaint
- a letter to caregivers about the rights of children and youth in care and their role in assisting a child or youth to make a complaint.

Despite these positive efforts, this review found few young people are aware of and use the regional complaint resolution processes.

Former youth in care at the Federation of BC Youth in Care Networks (FBCYICN)⁹ said the very words ‘complaint process’ conjured negative feelings.

“I get anxiety just thinking about it,” said one. Others said the words complaint process made them think of lawyers, complication, confusion and red tape.

Most said they were unaware of the ministry’s complaint process and had no experience with it. As former youth in care they might be considered among the most experienced and knowledgeable about ministry processes; yet they said if there is information, it’s not reaching them.

“The complaint process should be known by all youth in care... we are afraid that the next generation will go through the same thing.”

– Former Youth in Care

Conventional methods of informing and building awareness for adults, such as brochures and website postings, may not effectively inform children and youth. This has implications for ministry efforts to make brochures and other written material more child-friendly. If brochures are not effective in reaching children then there is little value in their redesign.

The former youth in care said to reach young people, information has to be where they are. They have to see it where they congregate, where they travel and in the mediums that they use.

“It should be mandatory that social worker(s) tell kids about the complaints process.”

– Former Youth in Care

They suggested:

- posters and ads on public transit
- a 24-hour phone line that goes directly to a person designated to deal with complaints
- social networking sites like Facebook or other on-line information and options for making a complaint
- traveling workshops designed to explain the process
- business cards with complaint resolution process information and phone numbers
- youth outreach teams (peer-to-peer) to explain the complaint resolution process and provide information packages (including a laminated card with phone number) to members of various youth organizations.

⁹ The FBCYICN is a youth-driven, provincial, non-profit organization dedicated to improving the lives of young people in and from care in B.C., between the ages of 14 and 24. The FBCYICN works in partnership with youth in care, government, service providers and the community to educate youth in care, and those that work with them, about the rights and opportunities available to young people in care in B.C.; advocate for the needs, issues and ideas of young people; provide personal and professional skill-building opportunities for young people in and from care; and promote the health and well-being of young people in and from care.

Analysis

Young people also said individuals and organizations providing services to children and youth have a responsibility to provide them with information about their right to complain and have their issues addressed. In particular, they said it should be mandatory that social workers inform children and youth about the complaint process.

A further challenge to young people is that there is not a single process if they wish to make a complaint about an MCFD program or service.

Of the ministry's 71 programs and services, just 23 fall under the regional complaint process while the rest use other processes.¹⁰ A child or youth receiving one service or a combination of services will be disinclined to complain if they don't know which process to use. Although complaint processes are similar across the five regions, organizational structure and consultant titles vary.

Efforts are underway to coordinate the ministry regional and provincial complaint resolution processes and those of delegated Aboriginal Agencies where the young person is a shared client. However, the current differences in policy and processes across ministry programs are confusing.

In addition, differences in terminology between the governing legislation and the policy may also cause confusion in accessing the complaint process.

Hearing the Voices of Children and Youth

Hearing and considering the voice of the child or youth affected is integral to good decision-making.

The requirements to inform children and youth of the services available and the right to participate in decisions affecting them are enshrined in legislation. The Hughes Review endorses the need to involve young people in resolving issues through a process that is respectful and in which communication is open.

The process should be child-centred with documentation of how the child's views were fully considered in the decision-making process. Children and youth have the right to involve an advocate, relative or friend to support them through the process.

¹⁰ This number does not include programs and services affected by the transfer back to MCFD from Community Living BC as of October 31, 2009.

Two initiatives outside the regional complaint process that are examples of how communities and organizations can work more closely with children and youth are described here:

Promising Practice: MCFD Fraser Region’s Youth Transition Conferencing Initiative

Youth transition conferencing is a collaborative process (based on the family group conferencing model) that engages youth in care in decision making in the years before their 19th birthday.

The youth decides if a conference is right for them, who they would like to attend, what the youth identifies as his or her skills, abilities, talents and gifts, and on what goals the youth would like to work. The identified support group is encouraged to think in terms of the youth’s strengths and how they, as support group members, can actively support youth-stated goals. The overarching goal of youth transition conferencing is to foster, establish or re-establish long-term connections and relationships so the youth has active support while making the often difficult transition from government care to independent adult life.

Youth who have engaged in this process have said that they felt listened to, encouraged, supported in concrete ways, and that they have a sense of control in their lives. Their supporters also commended the process.

The youth transition conferencing pilot was conducted in selected communities in the Fraser Region from September 2006 to the present. Additional resources are being dedicated to expand use of the process across the whole Fraser Region. There has been keen interest in implementing youth transition conferencing around the province and the initiation of the process is under development in some areas. The eventual goal is to embed youth transition conferencing into the ministry’s collaborative practices in all areas of the province.

Promising Practice: Ministry of Attorney General The International Institute for Child Rights and Development’s *Hear the Child* Pilot Project in Kelowna

The “*Hear the Child*” pilot project originated from the Meaningful Child Participation in B.C. Family Court Processes initiative on hearing and considering young people’s voices in B.C.’s court system, as required when appropriate, under the *Family Relations Act*.

“*Hear the Child*” established a roster of independent professionals trained to interview children, record their views and report those views to the court. The pilot project developed recommendations for improving the meaningful participation of young people, which included:

- changes in attitudes and approaches to equip adults in the family justice system to support young people and their participation
- improved supports to young people directly
- systemic improvements to support young people and their participation.

Analysis

The select complaint files reviewed indicate that only one region consistently documented that the child's views had been sought and considered as part of the process. In other regions, it was not clear whether children and youth are regularly contacted and given the opportunity to participate in the process or whether it is simply a case of failure to document the practice.

The provincial complaint policy states young people may need support and assistance to meaningfully participate and be heard in the process. Although many regions spoke of the use of advocates to support children and youth it was not evident in this file review that an advocate was consistently offered.

Timeliness

While all complaints should be treated seriously and addressed in a timely way, some are more urgent. Timely resolution of issues or complaints is crucial for young people in the care of the ministry whose needs and interests may be significantly impacted by decisions made by ministry staff.

Yet there is discord between the provincial policy and the provincial regulation when it comes to the timeliness of addressing a complaint.

The regulation states a review should begin and be completed within 30 days of the request. The policy, on the other hand, says the process must be sensitive to the "child's sense of time," yet sets a time limit of 60 days. The two are inconsistent.

The Hughes Review said timely decisions are easier to resolve because parties don't become entrenched in their positions and matters don't bog down in process.

The review of regional data showed all regions provided an initial response to a complainant within two days but it was unclear whether timelines for resolving complaints were met. Most indicated that issues are generally resolved at the first step in the process.

Across the province between April and September 2008, 78 per cent of the files were closed within 60 days. One region reported that the average time for resolution of a complaint is 30 days (ranging from one to 159 days based on 2007 data) and another reported that it meets the timelines in 100 per cent of cases. Still another region noted that it can be challenging to meet the timelines for complaints that proceed to formal review, because of the amount of "work and copious amounts of materials" required for a "fulsome" review at this stage.

Youth told this review that a complaint that reached the formal level should be responded to quickly with a final decision reached in from 24 hours to three weeks. Youth also said there should be an immediate call-back within one business day and a range of resolution times from immediate to one month depending on the complexity and seriousness of the issue.

Objectivity and Impartiality

Objectivity is inherent in a fair and transparent complaint resolution process. Translating this into practice means there is provision for escalating a concern that cannot be resolved with the original decision maker to an independent reviewer.

The regulation for regional complaint processes states “wherever practicable, a person who was involved in the matter under review must not be designated as a review authority for that matter.” The provincial policy, however, does not include a requirement that the final decision should be made by a person not already involved in the issue in question, nor are “fairness” or “objectivity” principles. The policy simply requires that a review of the team leader’s decision be heard by a person with the authority to make a decision.

The team leader is often involved at the informal stage of complaint resolution which creates a problem for issues that move on to the formal process, where the first step involves a review of the team leader’s original decision. In some situations and in some regions, the final decision maker – usually the community service manager – may become involved at the first step in the formal complaint resolution process and is generally responsible for final decisions. Circumstances in which one position acts as a final decision maker for multiple processes warrants review.

While the ministry’s commitment to informal resolution is a good practice option, the informal process and the complaint resolution process often involve the same individuals. The two-stage complaint resolution process may create unnecessary levels of review that do not contribute to the timely and effective resolution of issues.

Although there is no specific provincial policy requirement to deal with perceptions of bias nor to address bias in public information, it is commendable that each of the regions address it in their internal documentation.

The processes described in each region are similar: if at the second step of the process the regional resolution consultant and the community service manager do not agree on an issue of administrative fairness, the consultant can bring in his or her own manager to try to resolve the issue. If it still can’t be resolved, the consultant’s manager can make a request for final resolution to a director or regional executive director, depending on the region.

Unfortunately these processes for administrative fairness are not identified in the public information available on regional complaint resolution processes. Complainants need to know there are mechanisms in place to deal with perceptions of bias and for ensuring those involved in the original decision will not be the final decision maker of the matter.

Quality Assurance

Complaints provide valuable quality assurance information. Every complaint made is an opportunity to learn and improve services. Taking advantage of these opportunities requires tracking, monitoring and analyzing of complaint activities and a systematic evaluation of the aggregate data to identify issues.

The provincial policy says each region must keep a record of the complaint and the final outcome. It also stipulates that the ministry will “collect, analyze and report relevant data in relation to the complaint resolution process in order to learn from concerns expressed by individuals to continually improve services, policies and staff training and to ensure public accountability.”

Some regional staff told this review that they welcome feedback from clients and ministry staff. There is no provincial approach to soliciting client feedback on regional complaint processes. Some regions have surveyed clients but with poor return rates.

British Columbia also lacks a province-wide system for recording and monitoring complaints handled by each region, the type, timeliness or their resolution. In the mid 1990s there was a common province-wide complaint tracking tool but now each region maintains its own tracking system to record, track and monitor complaints. The result is that data is defined and tracked differently across the province.

Most regions indicated they prepare quarterly and annual complaint reports that are submitted to senior management for quality assurance within the region. Some said practice and process recommendations are based on the analysis of the complaint data for the region. Two regions were able to demonstrate where a “lesson was learned” from complaint information that informed improvements to practice in the region. Some ministry staff told this review that, while they recognized the value of complaint data to inform and improve practice, there is limited capacity to conduct broad analysis and identify trends.

The ministry has identified the following long-term measures to help identify systemic problems as recommended in the 2007 internal review of their complaint resolution process:

1. number of complaints by type (policy/practice issue)
2. number of complaints by service area
3. number of complainants who identify as Aboriginal
4. number of complaints by complainant type (i.e., client, family, advocate)
5. client satisfaction with process.

When the tracking system is in place – it is projected by the ministry to be implemented in April 2010¹¹ – the ministry plans to provide quarterly aggregate complaint data to its leadership team. This data will be used to monitor the effectiveness of different regional complaint resolution processes and improve service quality.¹² The ministry also plans to establish an annual review process to further improve the regional complaint resolution processes.

In the meantime, the ministry's Research, Analysis and Evaluation Branch has been working with the regional resolution consultants to establish interim performance measures that can be tracked in each region and aggregated at a provincial level. These include:

1. total number of complaint files opened and closed in the first and second quarters of 2008/09
2. number of eligible complaint files that were closed within 60 days in the first and second quarters
3. number of eligible complaint files closed in the first and second quarters by local review
4. number of eligible complaint files closed in the first and second quarters by formal review.

The ministry acknowledges that it still needs to work on improving its interim reports and anticipates that future reports will incorporate descriptive information about the source of complaints received in the regions.

The lack of reporting based on the 30-day timeline stated in the regulation is a concern. Reporting on the number of open complaint files that are beyond the stated timelines will provide the ministry with a more complete picture of whether timelines are being met.

¹¹ Under discussion. Implementation may be delayed.

¹² Ministry of Children and Family Development, Complaint Resolution Process Recommendations, December 11, 2007.

Delegated Aboriginal Agencies' Complaint Resolution Processes

Part of this review undertook consultations and interviews with delegated Aboriginal Agencies about their complaint resolution processes. Efforts were made to obtain copies of Agency complaint resolution policies but the information was limited. Agencies often said they had not received any complaints.

Given this, no suggestions for improvement to the complaint resolution processes for delegated Aboriginal Agencies can be made. The ministry, through its delegation authority has a responsibility to review and assess compliance by delegated Aboriginal Agencies with standards established for their operations. A comprehensive review by the ministry of the complaint resolution processes and practices of delegated Agencies and their adherence to standards may be timely.

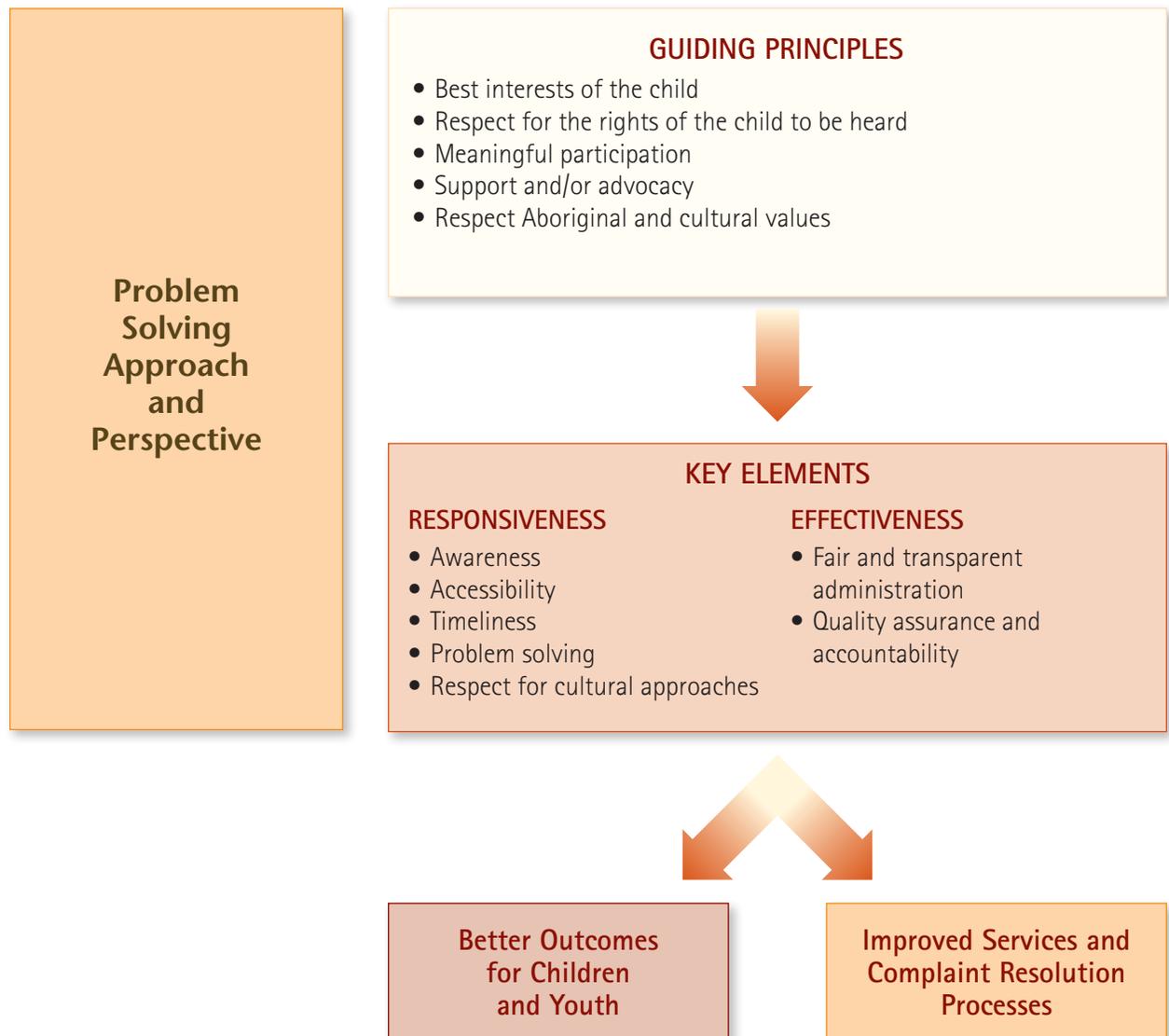
Delegated Aboriginal Agencies are required to have a complaint resolution policy and process that adheres to the Aboriginal Operational and Practice Standards and Indicators (AOPSI, revised July 2009).

While it is heartening to observe that the 2009 AOPSI standards will require the tracking of complaint data at the Agency level for quality assurance purposes, there is also confusion and concern about expected timelines. The minimum requirement for resolving a complaint has been extended from 30 to 60 days. This is not consistent with the standard's principle of timeliness which states that "all complaints will be dealt with in an expedient manner and should not exceed 30 days from the time the complaint is made to its resolution."

Framework for a Child-Centred Complaint Resolution Approach

The framework outlined below for a child-centred complaint resolution approach is based on research and review of best practice mechanisms for dispute resolution, complaint handling, quality management, and participation and engagement. Many of the elements of a child-centred complaint resolution framework are features of any responsive and effective complaint resolution system.

Framework for a Responsive and Effective Child-Centred Complaint Resolution Approach



Principles

A complaint resolution process that is based on a child-centred practice is guided by the following principles:

- respect for the child or youth's best interests throughout the process
- the child or youth has the right to be heard and consulted throughout the process
- the child or youth is meaningfully involved and their participation takes into account factors such as developmental age, culture, language and any special communication needs
- the child or youth is provided support and/or advocacy services, internal and external, as needed to make the process meaningful
- the unique cultural values and diverse backgrounds of children and youth are respected, particularly those of Aboriginal children and youth.

Key Elements

Awareness

To use or access a complaint system a child or youth must first know that they have the right to complain or seek a review of a decision that affects them.

Creating and sustaining awareness of the right to complain is essential to promoting access. Information for young people about their right to make a complaint about the services they are receiving must be specifically designed and targeted to reach them. The process must be well publicized and information easily understood and presented in a child and youth-friendly manner (Aiers and Kettle, 1998; Morgan, 2003).

Accessibility

Once young people know that they can express concerns or complain about unresolved issues, they need to know how. They must understand all stages of the process and the time frames associated with each stage (Pithouse and Crawley, 2007).

Children and youth often need help to make their complaint. The nature of this help will depend on their level of maturity and the circumstances and challenges they face. This help can range from explaining the process to providing direct support throughout.

The ability of some young people to use complaint resolution processes is dependent on whether they have the help and support of an advocate (Aiers and Kettle, 1998). Not all children and youth will want or need advocacy services. Although the services of an advocate should be offered, the child should not feel having an advocate is a necessary condition of proceeding with a complaint. The availability of advocacy services should not inhibit a child or youth from bringing a complaint forward on their own (Roche, 1995).

A child-centred process must be easy for children to access on their own or it risks undermining a young person's independence by creating a dependency on advocates (Parry et al, 2006). The adult's voice must never be substituted for the child's (Pithouse and Crowley, 2006, p. 209).

Complaint resolution processes must be flexible enough to be understood by a range of young people including the very young and those with special needs (including physical, cognitive and behavioural challenges). Navigating the system can prove difficult, if not impossible, for certain children and youth and their participation must be encouraged.

There are historic cultural and systemic barriers to Aboriginal young people bringing complaints forward and processes must be developed to give these youth the capacity to have a voice and be included. In order for service providers to create complaint resolution processes meaningful for Aboriginal young people, the great diversity among Aboriginal peoples and their cultures must be recognized. Involving Aboriginal people in the design and operation of a complaint resolution process is the best way to ensure it meets the needs of Aboriginal children and youth.

Young people from other cultures also encounter barriers that may prevent them from using a complaint resolution process. A young person's cultural background informs and influences the way they experience the services they receive as well as how they perceive, experience and resolve any issues that arise (Lund, Morris and Duryea, 1994; Woodford-Berger, 2000). The commonly used model for a complaint resolution process focuses on individual rather than family or community concerns, the use of face-to-face negotiations and, where the parties cannot come to a resolution themselves, the involvement of neutral third parties. This model is infused with values and attitudes not shared by all cultural groups (Lund, Morris and Duryea, 1994 and Duryea, 1994). Processes to address complaints from a diverse group of young people must take into account their cultural backgrounds.

Much of the responsibility for ensuring that complaint resolution processes are accessible and welcoming to young people from all cultural backgrounds will rest with the staff implementing the processes. This means good staff training and inclusive workforces in the complaint resolution area will be key for all service providers (Lund, Morris and Duryea, 1994).

Timeliness

Complaint resolution processes should set and meet time limits (International Organization for Standardization [ISO], 2004). They should have established and reasonable time frames for each stage of the process (ISO, 2004), taking into account the young person's perspective on time.

While all complaints should be dealt with promptly, effective complaint resolution processes should address complaints in accordance with their urgency (ISO, 2004). Since children have a different sense of time than adults, their concerns must be responded to quickly (Aires and Kettle, 1998). If a complaint cannot be resolved immediately at the source of the original conflict, then it should be addressed in a way that will lead to its resolution as soon as possible (ISO, 2004).

To maintain engagement of the child or youth and their respect for the process, young people need to be kept informed of the progress of the complaint on a regular basis. Updates and perceived progress are important to children and youth who are more likely than adults to feel powerless when dealing with service providers (Aires and Kettle, 1998).

Fair and Transparent Administration

The principles of administrative fairness apply to all complaint resolution processes. These include that:

- due weight and respect is given to the views and perspectives of all parties involved
- the person responsible for reviewing a complaint does so in an objective, unbiased and respectful manner
- there is provision for a decision to be reviewed by someone other than the person making or involved in the original decision.

It is critical to administrative fairness that all parties to the complaint are heard and their views considered. It takes special effort to ensure the child's views are solicited and taken into account. As noted earlier, youth may need supports to effectively participate in the process and have their voice heard. It is essential that such supports are available where needed.

To address complaints objectively service providers must address the power imbalances that arise when there is an inequality of age, race, class, sexual orientation, financial resources, or gender (B.C. Ministry of Attorney General, 2003). When young people are involved, complaint resolution processes must function to ensure children and youth do not feel powerless compared to the adults they are complaining to or about. This is compounded when the child-serving agency has the authority to make decisions about the services the young person receives or even, in the case of a young person in care, major life directions. Child-serving agencies must create and sustain a complaint resolution environment that is open and non-judgmental to ensure that young people feel free to complain without fear of reprisal.

A fair and transparent complaint resolution process must ensure there is capacity for the complaint to be reviewed by an objective third party if the issue remains unresolved.

Service providers need to keep young people regularly informed on the progress of their complaint throughout the process (ISO, 2004). Decisions or any actions taken regarding a complaint should be clearly and promptly communicated to ensure transparency (ISO, 2004) and the meaningful involvement and clear understanding of the young person.

Problem Solving Approach and Perspective

Complaint resolution is about solving the problem and avoiding adversarial and entrenched positions. A problem-solving approach focuses on achieving the best outcome for the child or youth. The goal of making the best decision for the child should be clear at the outset.

To be receptive to complaints from young people, service providers must not see complaints as an attack on the organization but as an opportunity to improve services (Parry et al., 2006). An effective complaint resolution process has a problem-solving approach that promotes reconciliation and understanding.

Quality Assurance and Accountability

Complaints provide valuable feedback for service providers to improve services. Quality assurance activities can both improve the complaint resolution process itself as well as contribute to improving overall services.

Information about who is raising concerns, their age and maturity, and who is not, can lead to an examination of the accessibility and responsiveness of the complaint resolution process. If few or no complaints are from those receiving services, this may indicate the need to review whether children and youth know they can make a complaint and how to do so. The form and nature of complaints can also reveal whether standards are being met, identify staff training requirements and areas where policies and practices need to be clarified or changed to make the system more responsive to young people. An effective complaint resolution process requires regular performance audits (ISO, 2004).

Tracking, monitoring and analyzing complaint data can also reveal systemic and recurring issues and trends. Learning from the complaint resolution process requires that organizations track and report internally at periodic intervals and undertake more intensive annual reviews of the overall process. Reviews should include information on the number of complaints received, the trends in the nature of complaints, and the outcomes (ISO, 2004). Making information from these reviews publicly available improves accountability and transparency.

Opportunities for Improvement

The ministry must have a responsive and effective complaint resolution process that addresses the rights and needs of young people and provides information to improve services. Regardless of who is delivering the services, a child and youth-serving system needs to listen and hear, respond and adapt to meet the needs of vulnerable children, youth and their families.

It is important to recognize MCFD's efforts in establishing a standard child-centred complaint resolution policy for regions and a process with elements for a responsive and effective system. This review found a number of opportunities for improvement to both policy and practice.

The opportunities for improvement for MCFD's regional complaint resolution processes can be grouped into four broad themes:

- adherence to existing legislation
- enhancing a child-centered perspective
- continuous learning and
- monitoring delegated Aboriginal Agencies.

Adherence to existing legislation

MCFD's complaint resolution process operates under a legal framework that already lends itself well to a child-centred approach.

The principles in legislation and the requirements and standards set out in the regulation address the factors central to a child-centred approach: taking the child's views into account, encouraging participation by the child in decisions, considering the child's best interests, and recognizing the need for decisions to be made in a timely way. However, MCFD falls short in its implementation and there is an opportunity to re-examine the provincial policy to ensure adherence to the *CFCSA* and regulations with respect to the following:

- adhering to the 30-day timeline as specified in the *Child, Family and Community Service Regulation* as opposed to the 60-day timeframe in the policy
- ensuring objectivity in decision-making through enshrining the requirement in the regulation that a person who was involved in the matter under review must not be designated as a review authority for that matter. The process does not ensure this level of objectivity.

Adherence to the 30-day time limit is critical to ensuring the timely resolution of complaints. As the Hughes Review emphasizes, time passes so quickly in the life of a child that a delay in making a key decision in their life can have a significant impact. MCFD has a responsibility to ensure timely decision making for children and youth in care.

Essential to the fair and transparent administration of a complaint resolution policy is that the process is, and is perceived to be, impartial and objective. A fair process requires the final decision on a matter be made by someone not involved in the initial decision. Not only does the current policy not require an independent third party as the final decision maker, the process in place appears to allow individuals involved in the initial matter to be involved throughout.

Although regions have internal mechanisms to address issues of administrative fairness these are not generally made public. There is a need to strengthen the existing regulation and provincial complaint resolution policy to ensure that an objective third party who was not involved in the original decision is the final decision maker of the issue.

Opportunity for Improvement #1 – Timeliness

MCFD amends its Provincial Complaint Resolution Policy to ensure adherence to the 30-day time limit for resolving complaints as outlined in the *Child, Family and Community Service Regulation*.

Details:

- Amend the Provincial Complaint Resolution Policy to reflect the 30-day time limit by April 1, 2010.
- Full implementation of the 30-day time limit in the regions by October 1, 2010.
- Commence public reporting on meeting the 30-day time limit as part of a semi-annual quality assurance report on complaints.

Opportunity for Improvement #2 – Fair and Transparent Administration

MCFD amends its supporting regulations and its Provincial Complaint Resolution Policy to adhere to the principle that a person involved in a matter under review is not designated as a review authority for that matter.

Details:

- Amend the *Child, Family and Community Service Regulation* to remove the phrase “wherever practicable” from the requirement “wherever practicable, a person who was involved in the matter under review must not be designated as a review authority for that matter” by April 1, 2010.
- Amend the Provincial Complaint Resolution Policy to include the requirement that a person not involved in the matter under review be the final review authority for that matter as outlined in the Regulation by April 1, 2010.
- Amend regional complaint resolution information materials to identify processes available to address issues of administrative fairness by an objective third party by October 1, 2010.
- Provide progress reports to the Representative and Ombudsperson in April and October 2010.

Enhancing a Child-Centred Perspective

For a complaint resolution process to be responsive, all children and youth need to be aware:

- that there is a process
- how to use it when they need to
- how to be supported in the process.

Youth reported low awareness of the complaint process and our file review confirmed this. Few children appeared to be engaged in the process and their views did not appear to be consistently considered in making decisions.

It is difficult to inform children and youth and encourage their involvement. Age, capacity and vulnerabilities affect a child's desire and ability to engage in a meaningful way. In a child-centred approach the views of a child must be heard and taken into account in decisions affecting them.

Building awareness and ensuring the meaningful participation of children and youth in the complaint resolution process will require special attention and action. Young people are key to understanding how to improve awareness of the process. The consultations revealed that youth have a range of ideas on where they would go to for information about how to complain (e.g., foster parents, probation officers, counselors, secretary at MCFD office, youth centres and organizations) and how they want information presented (e.g., posters on transit or 24-hour phone line). Young people should be directly consulted on how to make children and youth aware that there is a process, how to use it and how they can be supported in the process.

The review also identified a variety of complaint processes for different ministry programs and services and highlighted the complexity of MCFD's regional process with its multiple stages. These may be barriers to children and youth accessing the process.

Young people who receive services from a number of ministry programs must navigate a maze of policies and processes in order to identify the one that applies to their particular circumstances. They need a single point of contact, a "one-stop shop" to get the information they need to start the complaint resolution process. A standard child-centred policy and streamlined process that avoids jargon, complicated wording or drawn out processes would make it more accessible.

Youth feedback on important elements of the process is recommended.

Current Opportunity

A significant opportunity exists at this time to engage with youth on Youth Agreements, a legal agreement between a youth (ages 16 to 18) and MCFD. The agreement supports youth to live independently and to gain skills and experiences they need to continue to live independently. The agreements might include support for a youth to return to school, acquire work experience, or develop essential life skills necessary to achieve independence.

Since April 2008, the number of Youth Agreements has increased nearly 30 per cent, from 566 cases to 726 in December 2009. This is a vulnerable population group and one that MCFD can easily access. We encourage MCFD to engage these youths immediately to learn how to improve awareness and accessibility of the complaint process for young people.

Opportunity for Improvement #3 – Accessibility

MCFD actively engages youth and solicits their feedback on how to increase the effectiveness of the complaint process in order to raise awareness and promote understanding and engagement of youth.

Details:

- Consult with ministry partners, such as Urban Native Youth Association and Federation of BC Youth in Care Networks, to develop a plan for consulting with youth – especially those who are difficult to serve – for their input on how to improve awareness and accessibility of the process by April 1, 2010.
- Based on consultations with young people, develop and implement approaches for reaching out to children and youth and promoting awareness and understanding of the process by October 1, 2010.
- Evaluate the effectiveness of ministry activities to improve awareness and accessibility of the process by youth by October 1, 2011.
- Develop and implement a process to regularly solicit views of youth.
- Amend the Youth Agreement template form to include a provision spelling out the complaint resolution process with a signature box to indicate it was explained to and discussed with the youth.
- Report publicly on progress to increase youth awareness and accessibility by October 1, 2010.

Opportunity for Improvement #4 – Consistency

MCFD simplifies its complaint resolution processes by examining its multiple complaint policies, processes and practices to be consistent across regions and programs. Policies should be the same or the variances justifiable by the nature of the program.

Details:

- MCFD develops and implements a consistent approach to administering all complaints by service recipients regardless of whether the service is regionally or provincially delivered by October 1, 2010.
- Terminology, staff involvement and practices should be consistent with any variances clearly justifiable by the nature of the program.
- Report publicly on progress made by October 1, 2010.

Strengthening Continuous Learning

There is no province-wide system to track, monitor and analyze complaint data at present. Regional record-keeping standards and documentation requirements for individual complaints are inconsistent. This limits benchmarking, comparisons across regions, broad-based trends analysis and systemic improvements. Of particular concern is the inability to consistently identify across the regions whether a complaint was made by a child or youth; whether a child or youth involved in a complaint was made aware of their right to have an advocate to support them; whether the views of the child or youth were solicited; and whether the child or youth participated in the decision-making process in a meaningful way.

MCFD is committed to collecting, analyzing and reporting data relevant to the complaint resolution process to improve the process, continually improve ministry services and to identify and implement broader systemic quality service improvements. Public reporting on complaint resolution activities and results will meet MCFD's responsibility for public accountability and transparency.

Opportunity for Improvement #5 – Province-wide Complaint Tracking System

MCFD remains committed to implementing a province-wide complaint tracking system.

Details:

- Until the system is fully operational, track and publicly report on complaint resolution data from the regions including lessons learned.
- Develop a province-wide tracking and reporting system to collect data on complaint activity for MCFD's regional and provincially delivered services and programs.
- The province-wide complaint tracking system should produce regular operational reports on complaint activities. Measures should build upon those identified in MCFD's 2007 internal review of their complaint resolution process and the interim provincial reporting work that is currently underway. Measures for consideration include:
 - ♦ number of complaints
 - ♦ nature of complaints
 - ♦ who is making a complaint and whether they are a child or youth
 - ♦ whether the complainant is Aboriginal
 - ♦ whether cultural supports/approaches were considered
 - ♦ status
 - ♦ outcomes
 - ♦ whether timelines were met
 - ♦ complainant's satisfaction with the complaint resolution process, and
 - ♦ if there is a child or youth involved:
 - whether they were made aware that supports are available
 - how their maturity was assessed
 - whether their views were solicited and how.

Opportunity for Improvement #6 – Quality Assurance

MCFD establishes a comprehensive quality assurance regime for complaints in order to improve the complaint resolution process and ministry services.

Details:

- Develop and implement a process to compare, analyze and evaluate complaint data by June 1, 2010. The process should identify areas of improvement for policy, practice and training as well as systemic and recurring issues that need to be addressed to improve overall service delivery.
- Quality assurance activities should include a process of regular, random audits of regional processes to assess adherence to established policy and processes.
- Prepare an annual quality assurance report on complaints that provides a summary of aggregate complaint data and actions taken to improve complaint policy and processes and overall service quality.

Monitoring Delegated Aboriginal Agencies

MCFD has an obligation to monitor and ensure that standards, including those respecting complaint resolution processes, are being met by delegated Aboriginal Agencies. It is advised to exercise its delegation authority to undertake a thorough review of the complaint process for Agencies to assess and determine compliance with standards and that children and youth served are aware of their right to complain and have access to information outlining their rights and the process.

Opportunity for Improvement #7 – Accountability

MCFD to undertake a comprehensive review and audit of delegated Aboriginal Agencies' compliance with standards established for complaint resolution.

Details:

- Develop an audit plan for the review of delegated Aboriginal Agencies' compliance with complaint resolution standards by October 1, 2010.
- Complete the audit and review of delegated Aboriginal Agencies complaint resolution processes by October 1, 2011.
- Report publicly on the findings and results of its review and audit.
- Work with delegated Aboriginal Agencies to revise the AOPSI standards to reflect the original 30-day timeline by April 2010.
- Review and revise delegation agreements, policies, and standards as required to ensure responsive and effective complaint processes are implemented in Aboriginal Agencies consistent with the principles of a child-centred complaint resolution process as identified in this report.

Conclusion

Children have a right to complain about services and a complaint resolution process that is based on child-centred practice demonstrates commitment to supporting children and youth, contributes to better individual outcomes and improves services overall for children, youth and their families.

A system that is based on consideration of the child's best interests and ensures that a child or youth is heard and their views considered leads to better planning and decision making for individual children and youth. Timely and meaningful participation of a young person can not only contribute to resolving a complaint effectively, it can build resilience and competencies in young people and support several developmental processes. Children can gain the ability to challenge abusive behaviour and protect themselves by having appropriate standards of care modeled by their caregivers and guardians.

At times the child or youth's views may be at odds with what is considered to be in their best interest. Getting a child's views is part of the best interest decision-making process based on the belief that the participation of a child or youth, appropriate to their capacity, is fundamental in decisions affecting them. This means listening to the child, giving real consideration to their views and then providing a full explanation of the decision and its elements.

How we respond to concerns and complaints is an important aspect of continuously improving service quality and supporting organizational learning. Concerns and complaints provide valuable information that can identify the need for correction and opportunities to improve services for an individual child and the system at large. Responsive and effective complaint mechanisms can also support positive relationships between the organization and the child and youth it serves.

This analysis of ways to improve complaint resolution processes to make them more child-centred focused on the MCFD regional complaint resolution processes most used by children and youth receiving MCFD services. Major themes to emerge from the review include timeliness and objectivity concerns, awareness and accessibility issues by youth, and the need to strengthen recording and monitoring for continuous learning purposes.

Other public systems serving children and youth could benefit from regularly considering the state of their complaint resolution processes for young people. Certainly, the other main public systems supporting children in B.C. – the education, health care, policing and justice systems – might welcome opportunities to reconsider their policies and practices and make them more child-centred. It is hoped that the child-centred framework outlined in this report can assist agencies and organizations in reviewing their processes to make them more responsive and effective for young people.

This report draws attention to the fact that, due to age and vulnerability, young people may require extra supports to access and use the complaint system, and it is their right to have their voices heard and respected within a dispute resolution process. Complaint resolution data available to MCFD on a regular basis will provide greater clarity on how the complaint resolution process is working, as well as information to strengthen policy and practice.

Conclusion

The Representative and the Ombudsperson are willing to offer expertise to assist any initiative to improve MCFD's and delegated Aboriginal Agencies' complaint resolution systems.

The Representative will monitor MCFD's regional complaint resolution processes through a random audit process in 2011 to assess progress on implementing these opportunities for improvement and other enhancements made by MCFD to become more child-centred in its complaint resolution policy, processes and practices. The Representative will also monitor the ministry's progress in meeting its obligation to review and assess the performance of delegated Aboriginal Agencies' in meeting the appropriate complaint resolution standards.

Important Recent Developments and Final Observations

As analysis of the ministry's regional complaint resolution process was nearing completion, a Supreme Court of Canada ruling echoed important principles highlighted in this report. The ruling also raises some issues that the ministry is no doubt currently considering.

The recent ruling by the Supreme Court of Canada (*A.C. v. Manitoba* (Director of Child and Family Services), 2009 SCC 30) affirms that the quality of decision making about the best interests of a child is enhanced by including feedback from that child.

It is significant that, in its decision, the Supreme Court of Canada recognizes that children's views become more determinative in decision making as their maturity evolves. Article 12 of the *Convention on the Rights of the Child* expresses this principle stating that the views of a child should be given "due weight in accordance with the age and maturity of the child." The ruling acknowledges that it is difficult to assess a child's maturity and whether their own views are independent and thus a careful and comprehensive evaluation of the child's capacity and maturity is required.

The ruling reinforces the responsibilities already set out in the *CFCSA*: to consider a child's or youth's views and to consult with them, according to their abilities, regarding significant decisions affecting them. Further, the ruling emphasizes the obligation of the state to assess the maturity level of minors, to actively seek out their perspectives and to respect that in some cases a mature youth's views will prevail in determining their best interests. This is accomplished by talking to the child and giving them opportunity and support to be involved in making decisions. A natural progression of this would be for organizations to examine how children of all ages are facilitated to participate in decision-making processes.

As a result of this ruling, the ministry will likely be examining its practices and policies to ensure it is operating on the basis of the principles set out in the decision and interacting with its clients in an age-appropriate fashion. Since the *CFCSA* was enacted in 1996 there have been more developments in the area of children's rights and best-interest-of-the-child. It may be useful for the ministry to review the *CFCSA* to examine whether it is still striking an appropriate balance between an individual's right to autonomous decision making and the protection of vulnerable children from harm under all circumstances.

For Consideration by the B.C. Government

In the context of B.C.'s child welfare sector, the Ministry of Children and Family Development and delegated Aboriginal Agencies have developed complaint resolution processes to address administrative complaints from children and youth receiving services. The B.C. Representative for Children and Youth provides advocacy support for children and youth who wish to initiate a complaint and who require assistance in doing so, and the B.C. Ombudsperson ensures that the processes occur in an administratively fair manner. Ultimately, both the Representative and the Ombudsperson have oversight responsibilities for the complaint resolution processes.

The processes and oversight responsibilities in place to resolve complaints for children and youth receiving ministry services will address the vast majority of issues that may arise. However, in rare occasions, a matter may have to go to court to obtain a determinative resolution – such as the case *A.C. v. Manitoba* (Director of Child and Family Services), 2009 SCC 30. Currently, in B.C., there is no organization to support young people before the court.

In Vancouver the Elder Law Clinic provides legal services and advice to older adults. The Clinic provides legal advice to older adults on an array of legal issues, including:

- elder abuse
- financial abuse
- access to housing
- access to benefits.

In the United Kingdom, a Children's Legal Centre offers free legal advice ensuring that children's interests are taken into account throughout the legal process. The Children's Legal Centre is an independent national organization concerned with policy and law affecting children and youth. The Centre offers free legal advice to children, parents, care providers and professionals – from telephone assistance to legal representation. The centre is committed to ensuring that children's interests are included at every stage of the legal process and throughout the production of legislation and is staffed by lawyers and professionals who are experts in child law.

The B.C. government is strongly encouraged to consider supporting a free-standing agency, similar to the Elder Law Clinic and the Children's Legal Centre, to provide legal advice and support to children and youth and to ensure that the child's best interests are respected throughout the legal process. This would ensure visible and meaningful access to justice and dispute resolution.

Glossary

Child-centred: in the context of this report refers to an approach that is focused on the needs and best interests of the child. This means that the views and interests of the child or youth are considered, they participate in decisions affecting them, and are supported in reaching their full potential.

Child in care: any child under 19 years of age living under the custody, care or guardianship of a Director under the *Child, Family and Community Service Act*.

Community Services Manager: collects information, responds to child protection reports, conducts child protection investigations, removes children, attends court, works with families, and plans for the return of children or for continuing custody.

Delegated Aboriginal Agency: through delegation agreements, the Provincial Director of Child Protection (the Director) gives authority to Aboriginal agencies, and their employees, to undertake administration of all or parts of the *CFCSA*. The amount of responsibility undertaken by each agency is the result of negotiations between the ministry and the Aboriginal community served by the agency, and the level of delegation provided by the Director.

Hughes Review (The BC Children and Youth Review): the 2006 independent review of British Columbia's child protection system by the Hon. Ted Hughes, QC. It was this review that recommended the appointment of an independent Representative for Children and Youth.

Regional complaint resolution consultants: oversees the complaint resolution process within regions.

Team leader: a supervisor of a team of social workers.

Appendix 1

Child, Family and Community Service Act: Sections 2, 3, 4, 70

Guiding principles

- 2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:
 - (a) children are entitled to be protected from abuse, neglect and harm or threat of harm;
 - (b) a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents;
 - (c) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided;
 - (d) the child's views should be taken into account when decisions relating to a child are made;
 - (e) kinship ties and a child's attachment to the extended family should be preserved if possible;
 - (f) the cultural identity of aboriginal children should be preserved;
 - (g) decisions relating to children should be made and implemented in a timely manner.

Service delivery principles

- 3 The following principles apply to the provision of services under this Act:
 - (a) families and children should be informed of the services available to them and encouraged to participate in decisions that affect them;
 - (b) aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children;
 - (c) services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services;
 - (d) services should be integrated, wherever possible and appropriate, with services provided by government ministries, community agencies and Community Living British Columbia established under the *Community Living Authority Act*;
 - (e) the community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventive and support services to families and children.

Best interests of child

- 4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:
 - (a) the child's safety;
 - (b) the child's physical and emotional needs and level of development;
 - (c) the importance of continuity in the child's care;

- (d) the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;
 - (e) the child's cultural, racial, linguistic and religious heritage;
 - (f) the child's views;
 - (g) the effect on the child if there is delay in making a decision.
- (2) If the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests.

Rights of children in care

- 70 (1) Children in care have the following rights:
- (a) to be fed, clothed and nurtured according to community standards and to be given the same quality of care as other children in the placement;
 - (b) to be informed about their plans of care;
 - (c) to be consulted and to express their views, according to their abilities, about significant decisions affecting them;
 - (d) to reasonable privacy and to possession of their personal belongings;
 - (e) to be free from corporal punishment;
 - (f) to be informed of the standard of behaviour expected by their caregivers and of the consequences of not meeting their caregivers' expectations;
 - (g) to receive medical and dental care when required;
 - (h) to participate in social and recreational activities if available and appropriate and according to their abilities and interests;
 - (i) to receive the religious instruction and to participate in the religious activities of their choice;
 - (j) to receive guidance and encouragement to maintain their cultural heritage;
 - (k) to be provided with an interpreter if language or disability is a barrier to consulting with them on decisions affecting their custody or care;
 - (l) to privacy during discussions with members of their families, subject to subsection (2);
 - (m) to privacy during discussions with a lawyer, the representative or a person employed or retained by the representative under the *Representative for Children and Youth Act*, the Ombudsperson, a member of the Legislative Assembly or a member of Parliament;
 - (n) to be informed about and to be assisted in contacting the representative under the *Representative for Children and Youth Act*, or the Ombudsperson;

Appendix 1

- (o) to be informed of their rights, and the procedures available for enforcing their rights, under
 - (i) this Act, or
 - (ii) the *Freedom of Information and Protection of Privacy Act*.
- (2) A child who is removed under Part 3 is entitled to exercise the right in subsection (1) (l), subject to any court order made after the court has had an opportunity to consider the question of access to the child.
- (3) This section, except with respect to the Representative for Children and Youth as set out in subsection (1) (m) and (n), does not apply to a child who is in a place of confinement.

Appendix 2

Child, Family and Community Service Regulation

Part 5 – Administrative Reviews

Repealed

13 Repealed. [B.C. Reg. 350/2005, Sch. 4, s. 6.]

Director to designate persons to conduct reviews

- 14 (1) A director must designate a person or persons as a review authority to conduct administrative reviews.
- (2) Wherever practicable, a person who was involved in the matter under review must not be designated as a review authority for that matter.

Request for review

- 15 (0.1) In this section, Child and Youth Officer means the child and youth officer appointed under section 2 of the Office for Children and Youth Act.
- (1) Any of the following may, at any time, request an administrative review of any decision, act or failure to act of a director, that relates to the provision of service to a child or family under Part 2, 2.1, 3 or 4 of the Act:
- (a) a child;
 - (b) a parent;
 - (c) the Child and Youth Officer;
 - (d) any person representing a child or parent.
- (2) A request for an administrative review
- (a) must be made to the director concerned, and
 - (b) may be made in writing, in person, by telephone or by any other means.
- (3) A director must ensure that information about the right to request an administrative review and about the review process is available to anyone
- (a) who asks the director to provide services under Part 2, 2.1, 3 or 4 of the Act, or
 - (b) who is provided with those services.

[am. B.C. Regs. 400/99, s. 5; 350/2005, Sch. 4, s. 7.]

Decision not to proceed with review

- 16 (1) A review authority may decide not to proceed with an administrative review if
- (a) the review authority considers that the request for review does not relate to a matter mentioned in section 15 (1),
 - (b) the child or family does not want it to proceed with the review,
 - (c) the director and the person who requested the review agree to an alternate mechanism for resolving the matter,
 - (d) the director resolves the matter to the satisfaction of the person who requested the review,
 - (e) the matter is before the court, or
 - (f) the review authority considers that the remedy sought from it would conflict with an order or decision of the court.
- (2) On deciding not to proceed with an administrative review, the review authority must notify the person who requested the review of the decision and the reasons.

[am. B.C. Regs. 400/99, s. 6; 350/2005, Sch. 4, s. 8.]

How reviews are conducted

- 17 (1) A review authority
- (a) must commence an administrative review as soon as possible after a request is made, and
 - (b) must complete the review within 30 days after the request is made, unless it decides under section 16 not to proceed with the review.
- (2) The review authority must make reasonable efforts to determine the views of
- (a) the child,
 - (b) the person requesting the administrative review, and
 - (c) the director concerned.
- (3) The review authority may seek the views of and information from any person if the review authority believes it necessary to do so in order to make a decision about the review.

Factors to be considered

- 18 In arriving at its decision, a review authority must consider
- (a) the principles in sections 2 and 3 of the Act,
 - (b) the policies and procedures for the administration of the Act, and
 - (c) available resources.

Outcome of review

- 19 (1) On completing the administrative review, the review authority may recommend that the director concerned do anything that could legally have been done in the circumstances under review.
- (2) Within 7 days of completing the administrative review, the review authority must provide a copy of its decision to
 - (a) the child or other person who requested the review,
 - (b) the director, and
 - (c) any other person the review authority considers necessary to ensure that the Act is administered in accordance with the principles in sections 2 and 3 of the Act.

Appendix 3



Provincial Complaint Resolution Policy

OVERVIEW

The Complaint Resolution Process ensures that children, youth and families who receive services or are eligible to receive services from the Ministry are provided with the opportunity to express their concerns about Ministry services, actions or decisions. These concerns will be heard and responded to in a timely manner by those within the organization who have the authority to make decisions or determine how services will be delivered.

The purpose of this policy is to promote consistent high quality service through provincially consistent principles and standards while enabling flexibility in the way the Complaint Resolution Process is implemented in order to meet the unique needs, capacities and resources of BC's communities.

ELIGIBILITY

A complaint or concern may be expressed by anyone who is receiving services or believes themselves eligible to receive services or by others on their behalf.

Concerns before the courts or involved in external reviews are ineligible matters for review under the Ministry's Complaint Resolution Process. Any individual whose complaint is ineligible will be provided information on review mechanisms and independent reviews.

APPLICATION

Each Region is required to have a Complaint Resolution Process. This policy applies to Ministry-delivered services in the five Regions except where the Ministry has created specific protocols and/or processes for resolving disputes. Where these exist, they will be utilized instead of, or prior to, the Ministry's Complaint Resolution Process (e.g. Protocol for Resolving Differences between MCFD and Foster Parents).

For complaints related to contracted services, clients are encouraged to discuss these directly with the contracted service provider as service providers are required by contract to have a complaint resolution process.

Delegated Aboriginal Agencies (DAA) are required to have their own complaint resolution process in place. The Ministry will continue to work with DAA towards consistency in application where appropriate. In situations that involve both MCFD and a DAA, the Ministry and DAA Management will come to agreement about a respectful, mutually agreeable process.

The Complaint Resolution Process does not alter or replace the *Child, Family and Community Service Act* (CFCSA) duty to report a child in need of protection under Section 14 of the Act. If at any point during the course of a complaint review, any new information is provided that would constitute a child protection concern under Section 13 of the CFCSA, designated complaint resolution staff are obligated to report this information to a delegated child protection social worker.

PROCESS

The Ministry encourages and supports the local resolution of concerns informally between individuals and staff. The Complaint Resolution Process is available when concerns cannot be resolved informally.

Regional Resolution Consultants oversee the Complaint Resolution Process and may be contacted by calling or visiting any Ministry office or the Ministry website. While each Region's process may vary, the general steps are:

1. **Local Review by a Team Leader:** The individual and the worker either individually or with the assistance of the Regional Resolution Consultant, approach the Team Leader for a review of the concern.
2. **Formal Review Option:** If the individual does not feel that their concern has been heard or adequately addressed, they may seek a review of the Team Leader's decision. This formal review includes: the opportunity for the individuals to bring forward relevant information and to be heard by a person who

has the authority to make a decision; receipt of a written decision that includes the reasons about how and why the decision was made; and, information about external review resources, such as the Ombudsman, if they do not feel that the review was conducted in a fair manner.

For Aboriginal Clients not served by DAA, the Regions will work with Aboriginal Communities to incorporate a culturally appropriate complaint process.

The Complaint Resolution Process is guided by the principles of administrative fairness and the following principles and standards:

PRINCIPLES

Dignity and Respect: Individuals, including children and youth, and families have the right to have their concerns dealt with thoroughly and with due consideration. Individuals have the right to be treated with dignity and respect, with consideration given to their perspectives, views and feelings.

Cultural Responsiveness: The Ministry is responsive to the traditions, cultures, values and beliefs of the many different cultural groups that make up our province.

Openness: The Ministry is committed to organizational openness by adapting and learning from the complaints about the services that the Ministry provides.

Inclusiveness: The Ministry is committed to actively including those who receive services in decision-making that affects them.

Child-Centred: The rights and best interests of the child or youth will guide the Complaint Resolution Process, regardless of who initiated the complaint. The process itself will accommodate and be sensitive to the age, capacity and developmental level of the child and the child's sense of time. Where children or youth access the Complaint Resolution Process, the outcome of the complaint will include documentation about how the child's views have been fully considered in the decision making process.

Safety from reprisals: Individuals, including children and youth, and families have the right to bring their concerns forward and will not experience any negative repercussions as a result of doing so.

Confidentiality and Privacy: The confidentiality and privacy of individuals and families will be respected, as specified within legislation.

Right to Support / Advocacy: Individuals, including children and youth, and families have the right to involve an advocate, relative or friend to support them through the Complaint Resolution Process.

Accessibility: The Ministry's Complaint Resolution Process will be well publicized and easily accessible.

Timeliness: All concerns will be responded to within a time frame that suits the nature of the complaint and that respects the unique needs of the individual.

Resolution by Agreement: Ministry staff are supported and encouraged to actively work with individuals to resolve expressed concerns by agreement.

STANDARDS

1. Each Region has a Complaint Resolution Process that is reviewed regularly.
2. Each Ministry office has written information about, and assists individuals to access the Complaint Resolution Process. The written information is clearly described in plain, easy to understand language.
3. A call-back to the individual about their initial concerns occurs within 2 working days.
4. The complaint will be resolved within 60 calendar days unless extended by mutual consent.
5. Each Region keeps a record of the complaint and final outcome.

Any exceptions to the Provincial Complaint Resolution Policy must be approved in writing by the Assistant Deputy Minister or Delegate responsible for the Complaint Resolution Process.

In addition, the Ministry collects, analyzes and reports relevant data in relation to the Complaint Resolution Process in order to learn from the concerns expressed by individuals to continually improve services, policies and staff training and to ensure public accountability.

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- *Child, Family and Community Service Act*, 1996 RSBC c. 46, ["CFCSA"] s. 70
- *Child, Family and Community Service Act*, 1996 RSBC c. 46, ["CFCSA"] s. 93(3)
- Community Living BC Complaints Resolution Process, September 2005
- Commission on Accreditation of Rehabilitation Facilities (CARF), *Child and Youth Services Standards Manual*, July 2007-June 2008
- Council on Accreditation for Children and Family Services Inc. (COA) 8th Edition, January 2006
- Ombudsman of British Columbia, Public Report No. 40, "*Developing an Internal Complaint Mechanism*" September 2001
- Complaint Process for Youth Custody Programs, Youth Justice Policy and Program Support, August 2005
- Aboriginal Operational and Practice Standards and Indicators, 1999

Appendix 4

Delegated Child and Family Services Agencies

The ministry has a variety of initiatives underway to address the number of Aboriginal children in care. This includes the development of agreements between the province and First Nations communities to return historic responsibilities for child protection and family support to Aboriginal communities. These agreements are known as delegation agreements.

Through delegation agreements, the Province gives authority to Aboriginal agencies, and their employees, to undertake administration of all or parts of the *Child, Family and Community Service Act*. The amount of responsibility undertaken by each agency is the result of negotiations between the ministry and the Aboriginal community served by the agency, and the level of delegation provided by the Director.

Currently, there are 24 delegated agencies with various levels of delegation: three are in start up phase; four can provide voluntary services and recruit and approve foster homes; ten have the additional delegation necessary to provide guardianship services for children in continuing care; and seven have the delegation required to provide, in addition to the above, full child protection, including the authority to investigate reports and remove children.

Source: Ministry of Children and Family Development
www.mcf.gov.bhc.ca/about_us/aboriginal/delegated/index.htm

Appendix 5 Methodology

This joint review included an evaluation of the literature related to the handling of complaints and child-centred practice. Along with the literature review, a variety of information was used to inform the Representative and Ombudsperson's analysis. This included interviews, consultation with young people, a formal examination of complaint resolution policies and related materials, and an analysis of a sampling of complaint records/files. The approach included the examination of complaint resolution processes within the context of: policy, record keeping, the experiences and opinions of those administering the process, and the voices of young people.

1. Interviews of Ministry and Delegated Aboriginal Agency Staff

Interviews were conducted with ministry and delegated Aboriginal Agency employees directly involved in the administration and/or management of their respective complaint processes. These interviews gathered information on the policy and the practice of regional and delegated Aboriginal Agencies complaint resolution processes – with a focus on interviewing those involved with facilitating and managing the formal complaint process.

Ministry interviews were conducted with staff from each of the five regions and the provincial office. A total of 21 people participated and included:

- 16 regional staff (2 to 4 individuals per region were interviewed), including regional resolution consultants and senior managers
- five provincial office senior managers responsible for the areas of quality assurance, advocacy and implementation of provincial policy.

Of the 20 delegated Aboriginal Agencies contacted, four were available to participate (two with voluntary services delegation and two with full child protection delegation). A senior staff member from each of the four Agencies was interviewed (e.g., Executive Director and Quality Assurance Advisor). To provide additional context, interviews were also conducted with:

- two employees of an organization that provides professional development programs for child and family services staff employed by First Nations Agencies and
- a senior manager of a First Nations Agency that provides services to a Band that has sole jurisdiction of their child and family services.

2. Consultation with Young People

Members of the Federation of BC Youth in Care Networks (FBCYICN) participated in two consultation sessions exploring the issue of complaint resolution processes.

In the first consultation, 29 young people ranging in age from 14 to 24 years participated in four focus group sessions. The average age was 18 years and there was an equal distribution of female and male participants. The young people came from communities all across B.C. with representation from each of the five regions. In addition, 48 per cent of the participants identified themselves as Aboriginal – similar to the proportion of youth in care. The second consultation consisted of nine youths who had not participated in the original consultation.

3. Review of Complaint Resolution Policies and Related Materials

The ministry's provincial and regional policies and process documents were examined to see how they addressed and supported the key elements of an effective child-centred complaint resolution process. Supplemental materials such as brochures and annual complaint reports were also reviewed and evaluated.

Of the 20 delegated Aboriginal Agencies contacted, copies of complaint policies were provided by nine. This provided a sampling of agencies across all three levels of delegation (two voluntary services, four guardianship and four full child protection) and included a sampling of both urban and rural agencies.

4. Examination of Complaint Files

To construct a 'snapshot' of the most recent complaint file management practices, a sampling of complaint files were reviewed from both MCFD regions and delegated Agencies.

Thirty ministry complaint files were reviewed (six per region). Two files were randomly selected by the project team and the regions were each asked to select four files they felt positively contributed to the identification of 'lessons learned.' The lessons learned files were to provide an opportunity for the regions to share a sampling of both 'success stories' and 'learning opportunities.' Notation of what made the complaint process a 'success' or 'learning opportunity' is not necessarily recorded in complaint files and so regions were asked to provide a brief rationale for why they chose the file. Two of the five described the lessons learned from the files they selected. Two regions provided descriptions of their selected files without any rationale or identification of a lesson learned, and one region chose to randomly select the four files as they reported they did not have the time or resources to review files that met the lessons learned criteria.

A small sampling of three delegated Aboriginal Agency files was reviewed: two from an urban Aboriginal Agency and one from a First Nations Agency. All three files were selected by the Agency and a rationale for the lesson learned was provided.

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