

Select Standing Committee on Children and Youth

The background of the top half of the cover features several overlapping silhouettes of children and young people of various ethnicities and ages, looking in different directions. The silhouettes are rendered in a lighter shade of blue against the darker blue background.

# Review of the *Representative for Children and Youth Act*

April 2023



LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

First Report  
Fourth Session, 42nd Parliament



LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

April 26, 2023

To the Honourable  
Legislative Assembly of the  
Province of British Columbia

Honourable Members:

I have the honour to present herewith the First Report of the Select Standing Committee on Children and Youth for the Fourth Session of the 42nd Parliament. This report covers the Committee's review of the *Representative for Children and Youth Act*, as approved by the Committee.

Respectfully submitted on behalf of the Committee

Jinny Sims, MLA  
Chair

# CONTENTS

---

Composition of the Committee	4
Terms of Reference	5
Key Terms	6
Executive Summary	7
Summary of Recommendations	9
Statutory Framework	12
The Work of the Committee	13
Indigenous Peoples and UNDRIP	14
UN Conventions	18
Advocacy and Monitoring	20
Reviews and Investigations	27
Appointment of the Representative and Staff	32
General Powers and Provisions	35
Appendix A: Submissions and Presentations	39
Appendix B: Survey Questions	40

# COMPOSITION OF THE COMMITTEE

## Members

### Fourth Session, 42nd Parliament

Jinny Sims, MLA, Chair  
Surrey-Panorama

Mike Bernier, MLA, Deputy Chair  
Peace River South

Michele Babchuk, MLA  
North Island (*from March 1, 2023*)

Bob D’Eith, K.C., MLA  
Maple Ridge-Mission

Kelly Greene, MLA  
Richmond-Steveston

Karin Kirkpatrick, MLA  
West Vancouver-Capilano

Norm Letnick, MLA  
Kelowna-Lake Country

Kelli Paddon, MLA  
Chilliwack-Kent (*to March 1, 2023*)

Doug Routley, MLA  
Nanaimo-North Cowichan

Aman Singh, MLA  
Richmond-Queensborough

### Third Session, 42nd Parliament

Kelli Paddon, MLA, Chair  
Chilliwack-Kent (*Chair from June 29, 2022*)

Mike Bernier, MLA, Deputy Chair  
Peace River South

Susie Chant, MLA  
North Vancouver-Seymour

Fin Donnelly, MLA  
Coquitlam-Burke Mountain

Karin Kirkpatrick, MLA  
West Vancouver-Capilano

Norm Letnick, MLA  
Kelowna-Lake Country

Hon. Andrew Mercier, MLA  
Langley (*from June 27, 2022*)

Jennifer Rice, MLA  
North Coast

Jinny Sims, MLA, Chair  
Surrey-Panorama (*to June 27, 2022*)

Henry Yao, MLA  
Richmond South Centre

## Committee Staff

Karan Riarh, Committee Clerk

Lisa Hill, Committee Research Analyst

Mary Heeg, Committee Researcher

Mary Newell, Administrative Coordinator

Jianding Bai, Committees Assistant

# TERMS OF REFERENCE

On February 13, 2023, the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be empowered to foster greater awareness and understanding among legislators and the public of the BC child welfare system, including the specific needs of Indigenous children, youth, families and communities, and in particular to:

1. Receive and review the annual service plan from the Representative for Children and Youth (the "Representative") that includes a statement of goals and identifies specific objectives and performance measures that will be required to exercise the powers and perform the functions and duties of the Representative during the fiscal year;
2. Be the Committee to which the Representative reports, at least annually;
3. Refer to the Representative for investigation the critical injury or death of a child;
4. Receive and consider all reports and plans transmitted by the Representative to the Speaker of the Legislative Assembly; and
5. Complete, pursuant to section 30 (1) of the *Representative for Children and Youth Act* (S.B.C. 2006, c. 29), a comprehensive review of the Act or portions of the Act to determine whether the functions of the Representative described in section 6 are still required to ensure that the needs of children and young adults as defined in that section are met, including consideration of any information or evidence received by the Committee during the 3rd Session of the 42nd Parliament.

That, in addition to the powers previously conferred upon Select Standing Committees of the House, the Select Standing Committee on Children and Youth be empowered to:

- a. appoint of its number one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee and to delegate to the subcommittees all or any of its powers except the power to report directly to the House;
- b. sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c. conduct consultations by any means the Committee considers appropriate;
- d. adjourn from place to place as may be convenient; and
- e. retain personnel as required to assist the Committee.

That the Committee report to the House as soon as possible; and that during a period of adjournment, the Committee deposit its reports with the Clerk of the Legislative Assembly, and upon resumption of the sittings of the House, or in the next following Session, as the case may be, the Chair present all reports to the House.



# KEY TERMS

The following definitions are provided to provide an understanding of some of the terminology used in this report.

“Child” refers to a person under 19 years of age.

“Youth” refers to a person who is 16 years of age or older and under 19 years of age.

“Included adult,” as defined in the Act, refers to an adult under 27 years of age who is receiving or is eligible to receive community living support under the *Community Living Authority Act*, or received a reviewable service as a child.

“Young adult” is another term for “included adult;” these two terms are used interchangeably.

“representative” refers to the position of Representative for Children and Youth in a general sense.

“Representative” refers to the current Representative for Children and Youth, Dr. Jennifer Charlesworth.

# EXECUTIVE SUMMARY

The *Representative for Children and Youth Act* (the “Act”) establishes the Representative for Children and Youth as an independent officer of the Legislature with a mandate for oversight of British Columbia’s child- and youth-serving system. Section 30 (1) of the Act requires the Select Standing Committee on Children and Youth (the “Committee”) to review the Act, or sections of it, every five years to determine whether the functions of the representative are still required to ensure the needs of children and included adults are met.

In undertaking this review, the Committee received briefings from the Ministry of Children and Family Development, Ministry of Attorney General and the Office of the Representative for Children and Youth; accepted written submissions from organizations and individuals; invited organizations to make presentations at a public hearing; and received responses to a survey. In total, the Committee received 15 written submissions, heard 13 presentations, and received 44 survey responses.

The Committee makes 28 recommendations intended to clarify and address gaps in the representative’s mandate, strengthen existing provisions in the Act, ensure that any amendments are made in consultation with Indigenous peoples, and modernize language in the Act. The report begins with a list of the recommendations, an explanation of the statutory framework, and a description of the Committee’s work. Each subsequent chapter discusses a key theme, and includes a summary of the input received, a summary of the Committee’s deliberations and reflections, and a list of the recommendations that pertain to that theme.

The Committee acknowledges the importance of considering and incorporating Indigenous perspectives in the Act and the need to better align the Act with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Committee Members identify a number of specific issues requiring further examination, including the implications of changes in child welfare jurisdiction due to new federal and provincial legislation, the importance of consultation with and accountability to Indigenous communities, and the limited and outdated references to Indigenous peoples in the Act, and recommend that the provincial government undertake further meaningful consultation with Indigenous peoples to address these issues, align the Act with UNDRIP, and determine how the Act and the representative can best support the rights and needs of Indigenous peoples. The Committee also recognizes the value of requiring the representative to consider United Nations conventions in their work, and supports referencing the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities in the Act.

Regarding the representative’s advocacy and monitoring mandate, the Committee heard about specific areas where the representative’s mandate prevents them from ensuring the needs of children and youth are met. To help address these issues, the Committee recommends expanding the representative’s advocacy and monitoring mandate for children and youth to include services for gender diverse youth and services for children and youth with support needs beyond those provided by the Ministry of Children and Family Development. The Committee is also in favour of a measured expansion of the representative’s advocacy

mandate to include special education (inclusion) services for children and youth who are currently in receipt of other services already in the representative's mandate. The Committee supports including mental health and substance use services in the representative's advocacy mandate, as well as enabling the representative to monitor prescribed services (as defined in the Act). The Committee also makes a number of recommendations intended to clarify the representative's advocacy and monitoring mandate, including describing designated services in more general terms and giving the representative clear authority over quality assurance processes for designated services. Regarding advocacy for young adults in particular, the Committee recommends clarifying and broadening the definitions of young adults and prescribed services. Committee Members additionally support taking an interim step of amending the Representative for Children and Youth Regulation to address pressing gaps in the representative's advocacy and monitoring mandate.

The Committee also heard about issues with the representative's reviews and investigations mandate. The Committee supports including children eligible for reviewable services in this mandate, such as those on waitlists, rather than only those receiving reviewable services, in alignment with the advocacy and monitoring mandate which is based on eligibility. The Committee also recommends allowing the representative to consider events that took place within one year of an individual turning 19 as part of an investigation into a critical injury that occurred while a person was a child. Additionally, Members heard about the need for better information sharing and notification regarding reviews and investigations. In support of this, the Committee makes recommendations to help improve information sharing between the representative and parents, Indigenous Child and Family Services Agencies, the Public Guardian and Trustee, and Indigenous communities. The Committee is also in favour of clarifying and enhancing specific aspects of the representative's public reporting, including the power to make recommendations in aggregative review reports and the ability to publish anonymized information about the results of reviews.

The Committee heard that there is a need to ensure that the representative and their staff are reflective of BC's diverse population and Indigenous communities. Accordingly, the Committee supports increasing Indigenous representation in the representative's office, including ensuring that the special committee to appoint a representative considers candidates' experience with Indigenous communities and requiring the representative to establish a plan to increase Indigenous representation and diversity in their office. The Committee also recommends clarifying the qualifications of the deputy representative outlined in the Regulation to ensure that candidates have experience working with children among other qualifications.

Regarding the requirement that the Committee determine whether the representative's functions are still required as part of its review of the Act, the Committee heard overwhelmingly from organizations and individuals that the representative's office is still very much needed. As such, the Committee recommends amending the Act to simply require the Committee to conduct a comprehensive review of the Act every five years without a reference to whether the representative's functions are still required. The Committee also makes recommendations regarding general powers and provisions to address issues related to information gathering from contracted service providers, and communication between the representative and a child or youth.



# SUMMARY OF RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

1. The provincial government conduct meaningful consultation with Indigenous peoples to align the Act with UNDRIP and to determine how the Act and the representative can best support the rights of Indigenous peoples, including:
  - a. examination of the implications of Indigenous jurisdiction over child welfare;
  - b. increased consultation with and accountability to Indigenous communities;
  - c. referencing UNDRIP in the Act; and
  - d. updating language and adding definitions related to Indigenous peoples.
2. The Act be amended to require the representative to take into account the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities in carrying out their functions.
3. a. For the purposes of advocacy and monitoring, the Act be amended to describe the scope of services for children and youth generally, including:
  - i. early childhood development services;
  - ii. child welfare services;
  - iii. mental health services for children and youth;
  - iv. substance use services for children and youth;
  - v. services for children and youth with support needs (CYSN);
  - vi. youth justice services;
  - vii. services for youth in their transition to adulthood; and
  - viii. services for gender diverse youth.
- b. For the purposes of advocacy, the Act be amended to include special education (inclusion) services for children and youth who are currently receiving services outlined in 3a.

4. In the interim, the Representative for Children and Youth Regulation be amended to broaden the representative's advocacy mandate for children and youth with support needs by including the following:
  - a. Nursing Support Services and the assessment and diagnostic clinics for children with autism (BC Autism Assessment Network) and complex behavioral disorders (Complex Developmental Behavioral Conditions Network) funded by the Ministry of Health or health authorities; and
  - b. special (inclusive) education services funded by the Ministry of Education and Child Care for children and youth who are currently receiving services for children and youth with support needs.
5. The Act be amended to revert "included adult" back to "young adult" in the interest of more accessible language.
6. The Act be amended to define "young adult" (or "included adult"), at minimum, as adults under the age of 27 years who:
  - a. are eligible for, or in receipt of, Community Living BC services, or
  - b. were formerly in care as defined by proposed changes to the eligibility for a broadened suite of transitional support services (i.e., those who were under any form of order agreement and who were in care for a cumulative period of two years between the ages of 12 and 19).
7. Section 6 of the Act be amended to enable the representative to provide advocacy services to young adults regarding the services necessary to support their transition to adulthood.
8. In the interim, the Representative for Children and Youth Regulation be amended to include mental health and substance use services provided or funded by the provincial government in the representative's advocacy mandate for young adults.
9. The Act be amended to provide the representative with a monitoring function regarding services for young adults up to age 27 who were formerly in care and/or young adults in receipt of, or eligible for, Community Living BC services.
10. Section 6 of the Act be amended to include systemic advocacy as a primary function of the representative and that this function be linked to the representative's current monitoring mandate.
11. Section 6 (1) (b) of the Act be amended to provide the representative with clear authority to monitor, review, audit and conduct research regarding quality assurance processes for all designated services.
12. Section 11 be amended to clarify that a critical injury or death of a child who is eligible for a reviewable service, including a child on a waitlist, is subject to review and investigation by the representative.
13. The Act be amended to provide that, where a critical injury has arisen while the injured person was a child, an investigation may include events and incidents that occurred up to one year after the child reaches 19 years of age, where the representative believes that such an investigation raises important public policy issues.
14. The Act be amended to refer to "substance use services" rather than "addiction services."
15. The definition of "critical injury" in section 1 of the Act be amended to clarify that "health" includes physical, mental and emotional health.

16. The Act be amended to provide the representative the discretion to share limited summary information about the results of a review with a child's adoptive or birth parents, regardless of guardianship (subject to limits on the future use of the information).
17. The Act be amended to provide the representative the discretion to directly disclose the results of a review to the Indigenous Child and Family Service Agency responsible for the case in question.
18. Section 12 (4) of the Act be amended to require the representative to notify the Public Guardian and Trustee of an investigation undertaken by the representative concerning the critical injury of a child or youth for whom the Public Guardian and Trustee serves as property guardian.
19. Section 12 (4) of the Act be amended to require the representative to notify the First Nation and/or Indigenous community when the representative is investigating the critical injury or death of one of their children or youth.
20. Section 11 of the Act be amended to clarify that the representative may make recommendations to a public body or director in an aggregate review report on critical injuries or deaths.
21. The Act be amended to authorize the representative to publicly report anonymized information about reviews of critical injuries or deaths, including condensed reviews and case summaries.
22. The special committee appointed to recommend a person to the position of representative be required to consider a candidate's knowledge of and experience with Indigenous communities, families, cultures, values and history.
23. The Act be amended to require the representative to establish a plan to increase Indigenous representation and diversity among employees of their office.
24. The qualifications of a deputy representative set out in section 2 (b) of the Representative for Children and Youth Regulation be clarified so experience with children and youth and/or the child- and youth-serving system is required.
25. Section 10 of the Act be amended to allow the representative to obtain information directly from service providers, such as an agency or person under contract or agreement to provide designated or reviewable services for a public body.
26. Section 26 of the Act be amended to provide that a child or youth, or a young adult in receipt of Community Living BC services, in a foster home, home share, staffed residential program, hospital, youth custody centre, facility or other place where a designated service is provided:
  - a. must be informed about the representative's role in language suitable to the child, youth or young adult's level of understanding;
  - b. the child, youth or young adult has a right to be assisted in immediately contacting the representative (if requested); and
  - c. the child, youth or young adult has a right to privacy in all communications with the representative.
27. Section 30 (1) of the Act be amended to remove the reference to determining whether the functions of the representative are still required, and simply state that the Committee must undertake a comprehensive review of the Act every five years.
28. Section 30 (2) of the Act be repealed as this assessment has been completed.

# STATUTORY FRAMEWORK

In 2006, the Legislative Assembly unanimously adopted the *Representative for Children and Youth Act* establishing the Representative for Children and Youth as an independent officer of the Legislature with a mandate for external oversight of British Columbia's child- and youth-serving system. The provisions of the Act were based on many of the recommendations in the 2006 report from the Hon. E.N. (Ted) Hughes entitled *BC Children and Youth Review: An Independent Review of BC's Child Protection System*.

The Hughes report recommended the establishment of an independent officer with a mandate to advocate on behalf of children and youth and families; ensure accountability for the provision of services to children and youth and their families; and investigate critical injuries and deaths of children and youth in BC's child- and youth-serving system. The representative's functions are outlined in section 6 of the Act and include:

- advocacy for children, included adults and their families with respect to designated services specified under the Act;
- monitoring, reviewing, auditing and conducting research on the provision of designated services to children and their families; and
- reviewing, investigating and reporting on critical injuries and deaths of children as specified in Part 4 of the Act.

Section 30 (1) of the Act requires the Select Standing Committee on Children and Youth to review the Act, or sections of it, every five years to "determine whether the functions of the representative described in section 6 are still required to ensure the needs of children and included adults

are met." Previous reviews of the Act were undertaken by the Committee in 2011-12 and 2017-18.

The Act also creates a framework for the representative's relationship with the Legislative Assembly reflecting the first and second recommendations of the Hughes report, to "give the public confidence in the office's independence" and "contribute to a greater understanding among legislators and the public, of the province's child welfare system and ... encourage government and the opposition to work together to address the challenges facing the system." Part 2 of the Act provides for the appointment of the representative by way of a resolution of the Legislative Assembly based on the unanimous recommendation of a special committee. The representative reports to the Legislative Assembly through the Speaker. The Select Standing Committee on Children and Youth considers all of the representative's reports and the Select Standing Committee on Finance and Government Services considers the representative's annual budget proposal.

The Representative for Children and Youth Regulation includes provisions regarding the procedure for the appointment of a deputy representative, as well as the qualifications for that position; and additional services that relate to the functions of the representative.

# THE WORK OF THE COMMITTEE

On February 17, 2022, the Legislative Assembly agreed that the Select Standing Committee on Children and Youth be empowered to undertake, pursuant to section 30 (1) of the *Representative for Children and Youth Act*, a comprehensive review of the Act or portions of the Act to determine whether the functions of the Representative described in section 6 are still required to ensure that the needs of children and young adults as defined in that section are met.

## Briefings

Committee Members received briefings from the Ministry of Children and Family Development, Ministry of Attorney General and Office of the Representative for Children and Youth on April 22, 2022. These presentations provided background information and context on the Act, updates on the status of previous recommendations, information on the work of the Office of the Representative for Children and Youth, and background on the child- and youth-serving system in British Columbia.

## Public Consultation

The Committee accepted written submissions between May 10 and July 27, 2022, during which time the Committee received 15 submissions. Following a review of this input, the Committee invited those that made submissions to make presentations on November 4, 2022. A list of organizations and individuals who made written submissions and/or presentations to the Committee is available in Appendix A.

Additionally, between October 19 and November 30, 2022, the Committee invited British Columbians to complete a survey asking for input and perspectives regarding the

representative's functions and whether they are still required (see Appendix B for survey questions). In total, the Committee received 44 responses to the survey.

The Committee carefully considered all input received during the briefings and consultation in its deliberations.

## Meetings Schedule

### Third Session, 42nd Parliament

March 30, 2022	Planning
April 22, 2022	Briefings
October 6, 2022	Planning
November 4, 2022	Presentations

### Fourth Session, 42nd Parliament

March 6, 2023	Deliberations
March 8, 2023	Deliberations
March 29, 2023	Deliberations
April 17, 2023	Deliberations Adoption of report

# INDIGENOUS PEOPLES AND UNDRIP

Indigenous children are disproportionately represented in the population served by the representative. According to the *Representative's Annual Report 2021-22*, half of the children, youth and young adults who received advocacy services in that fiscal year were Indigenous. Similarly, 57 percent of the in-mandate critical injuries and deaths reported to the representative's office were in relation to Indigenous children and youth.

The 2006 *BC Children and Youth Review* by Ted Hughes, O.C., K.C., which recommended the creation of the representative's office, noted how the intergenerational effects of residential schools and the Sixties Scoop have contributed to the over-representation of Indigenous children in the child welfare system. The Hughes report also emphasized the importance of working with Indigenous peoples to develop a better child- and youth-serving system.

In 2019, BC unanimously passed the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), which aims to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). DRIPA requires government to work with Indigenous peoples to ensure that BC's laws are consistent with UNDRIP. To oversee the implementation of DRIPA, the provincial government has created the Declaration Act Secretariat, as well as developed an Action Plan which includes long-term goals and outcomes, and priority actions for 2022 to 2027.

As part of implementing UNDRIP, the federal and provincial governments have taken steps to return jurisdiction over child welfare to Indigenous communities. Federally, this work was initiated through *An Act respecting First Nations,*

*Inuit and Métis children, youth and families* (2020) and provincially through the *Indigenous Self-Government in Child and Family Services Amendment Act* (2022). As Indigenous governing bodies reassume jurisdiction over child welfare, the representative will no longer have jurisdiction in those communities.

## What the Committee Heard

### Referencing UNDRIP in the Act

The Representative, along with several organizations, including the Union of BC Indian Chiefs (UBCIC), Office of the Human Rights Commissioner, Indigenous Child and Family Services Directors and BCEdAccess Society, were of the view that the Act should be amended to require the representative to take UNDRIP into account when carrying out their functions. The Ministry of Attorney General noted that amendments to the *Interpretation Act* mean that all provincial laws must be read in a way that is consistent with UNDRIP. This means that, even without explicitly referencing UNDRIP, all provincial legislation must be interpreted in a way that is consistent with DRIPA, unless otherwise specified.

The Representative emphasized the relevance of UNDRIP, noting how its provisions around children and families directly relate to her work. She was of the view that, while referencing UNDRIP in the Act is not legally necessary, it is morally necessary. She also emphasized that any changes to the Act must be made in cooperation with Indigenous peoples.

## Updating language in the Act

The Representative also shared that the Act appears dated and insufficient to reflect the experiences of Indigenous children and families within the child welfare system. She identified specific areas of concern including the lack of mention of Indigenous peoples in the Act, the use of “aboriginal” rather than “Indigenous,” lack of relevant definitions particular to Indigenous people or communities, and the absence of a preamble or statement of principle addressing the impacts of colonialism and racism.

The UBCIC also noted that the current language of the Act is outdated and must be strengthened to become effective and responsive to First Nations and consistent with the federal statute *An Act respecting First Nations, Inuit and Métis children, youth and families*. In addition to changing “aboriginal” to “Indigenous,” the UBCIC recommended including definitions for “Indigenous governing body,” “Indigenous” and “Indigenous peoples,” as well as a defined term for “family” informed by a diverse understanding of family and kinship within Indigenous Nations.

## Consultation and accountability mechanisms

The UBCIC indicated that UNDRIP and DRIPA mean that the Act must uphold the rights of Indigenous peoples and require mechanisms to ensure the representative is accountable to First Nations. The Ministry of Attorney General, the UBCIC and the Representative all noted that DRIPA requires government to consult and cooperate with Indigenous peoples. The UBCIC discussed provisions in the Act which relate to the representative’s relationships with the Legislative Assembly and other public bodies as well as the representative’s reviews and investigations function. Specifically, the organization recommended making amendments to require consultation with and meaningful participation of First Nations and recognition of Indigenous Child and Family Services Agencies and First Nations’ governments as distinct entities, including a realignment of the representative’s processes and reporting obligations to reflect this. The UBCIC also recommended that the representative be required to report directly to First Nations governments, in addition to

current requirements to report annually on their work and progress on goals to the Speaker of the Legislative Assembly. Like the UBCIC, the Representative supported increased and meaningful consultation with Indigenous peoples to strengthen the Act and gather input to better reflect their experiences, needs and interests.

Indigenous Child and Family Services Directors discussed the DRIPA Action Plan, which includes actions related to jurisdiction over child and family services, reducing the number of Indigenous children and youth in care and supporting improved education outcomes. The organization recommended expanding the representative’s role to include oversight of implementation of the Action Plan components that relate to children and youth.

## Indigenous jurisdiction and the representative’s functions

Many organizations and survey respondents discussed the impact of recent changes to provincial and federal child welfare legislation that enable Indigenous governing bodies to reassume jurisdiction. The Representative indicated that several Indigenous governing bodies in BC are currently designing their own laws and systems of services to exercise jurisdiction over child and family services, enabled by the federal legislation. While the representative will no longer have jurisdiction over these services, the Representative indicated that some Indigenous governing bodies may choose to implement equivalent functions of the representative internally, while others may want the office to maintain its role in their community. The Representative reported that some Indigenous governing bodies have already made informal inquiries to her office regarding ongoing relationships.

In light of these developments, the Representative recommended amending section 22 of the Act, which enables the representative to enter into agreements for the purpose of exercising the powers and performing the functions and duties under the Act. She suggested explicitly enabling the representative to enter into agreements with Indigenous governing bodies at their request, to assist

them in developing their own internal capacity to perform one or more of the representative's functions, or for the representative to directly perform one or more of the functions under the Act on their behalf. The Representative noted that any agreement would need to include provisions regarding privacy protection and the authority to compel information.

Indigenous Child and Family Services Directors also supported enabling First Nations that have reassumed jurisdiction over child welfare to opt in to receive the representative's services, if desired. The organization noted that the reassumption of jurisdiction by First Nations does not mean they will automatically receive necessary or equitable resources, and that as long as inequity persists, an advocate will be needed. The organization indicated that the Representative has identified and drawn attention to significant gaps in the services and supports available to Indigenous children, youth and families, particularly those living in Indigenous communities, in the past.

In contrast, three survey respondents did not support a continued role for the representative in Indigenous communities that have reassumed jurisdiction over child welfare. One respondent suggested that the office does not have the capacity or knowledge of Indigenous child welfare to enable this type of expansion, while another questioned whether Indigenous peoples want the representative's office involved in these discussions.

The UBCIC also recommended a number of amendments to support Indigenous jurisdiction and to align the Act with federal legislation. The organization noted that *An Act respecting First Nations, Inuit and Métis children, youth and families* affirms that First Nations can create their own laws regarding child and family services, and recommended amending section 6 of the *Representative for Children and Youth Act* to require the representative to respect, recognize, and comply with those laws. In addition, the UBCIC recommended amending the Act to ensure the representative and their staff make space for and support First Nations reassuming jurisdiction.

## Committee Discussion

The Committee expressed gratitude for the valuable input it received from Indigenous organizations, the Representative, and other organizations and survey respondents who provided recommendations in support of reconciliation and working towards better futures for Indigenous children and youth in BC. The Committee acknowledged that Indigenous children and youth are disproportionately represented in the representative's work and highlighted the importance of considering Indigenous perspectives in relation to the Act and the need to update the Act to align with UNDRIP.

Committee Members also recognized that the Committee's review is one part of the work required to inform potential amendments to the Act. They noted a number of areas that emerged during their consultation which require further examination, including the implications of Indigenous jurisdiction over child welfare, increased consultation with and accountability to Indigenous communities, referencing UNDRIP in the Act, as well as updating language and adding definitions related to Indigenous peoples. Members identified opportunities for meaningful consultation with Indigenous leaders, communities, organizations and individuals, in alignment with UNDRIP and DRIPA, that should be undertaken by the provincial government to fully consider the scope and complexities of these issues, and to update the Act accordingly.



## RECOMMENDATION

The Committee recommends to the Legislative Assembly that:

1. The provincial government conduct meaningful consultation with Indigenous peoples to align the Act with UNDRIP and to determine how the Act and the representative can best support the rights of Indigenous peoples, including:
  - a. examination of the implications of Indigenous jurisdiction over child welfare;
  - b. increased consultation with and accountability to Indigenous communities;
  - c. referencing UNDRIP in the Act; and
  - d. updating language and adding definitions related to Indigenous peoples.

# UN CONVENTIONS

The United Nations Convention in the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) were ratified by Canada in 1991 and 2010, respectively. They lay out a list of rights to which children under 18 years of age and people with disabilities are entitled. The Act currently does not refer to either of these conventions.

## What the Committee Heard

The Representative indicated that because Canada has ratified the UNCRC, Canadian jurisdictions have an obligation to ensure that legislation, policies, programs and services comply with the UNCRC and noted that doing so would reflect commitment to the UNCRC's principles. She also noted that the governing statutes of child and youth advocacy offices in Manitoba, PEI, Yukon and Nunavut refer to the UNCRC. The Human Rights Commissioner indicated that, in June 2022, the United Nations Committee on the Rights of the Child expressed concern about structural discrimination faced by Indigenous children and encouraged the federal government to address inequitable access to services. The Commissioner noted that incorporating the UNCRC into the Act would ensure that the current and any future representatives remain focused on these issues. The Representative and Commissioner, along with the BC Complex Kids Society, Society for Children and Youth of BC and BCEdAccess Society, recommended amending the Act to require the representative to take into account the UNCRC in carrying out their functions in relation to children and youth.

Inclusion BC noted that many articles in the UNCRPD directly relate to the representative's work, including those

regarding children with disabilities, education and health. The Representative shared that she is already guided by some of the fundamental principles and rights that the UNCRPD outlines, and is of the view it should also be referenced in the Act. The Representative emphasized that any reference to the UNCRPD should include children, not just young adults who are eligible for Community Living BC services. The Representative, Human Rights Commissioner, BC Complex Kids Society, BCEdAccess Society, Inclusion BC and Community Living BC recommended amending the Act to require the representative to take into account the UNCRPD in their work in relation to children, youth and young adults.

Some organizations suggested that the representative's mandate should be expanded to include human rights promotion for children and young people with disabilities. The Representative and the Society for Children and Youth of BC both noted that the United Nations Committee on the Rights of the Child has recommended the creation of independent bodies to promote and protect children's rights. The Society emphasized that more work is needed to educate the public, and especially young people and professionals working with children, on the rights outlined in the UNCRC. The Representative, Human Rights Commissioner and BC Complex Kids Society supported amending section 6 of the Act, which outlines the representative's main functions, to include education, promotion and monitoring of the rights of children, youth, and young adults as set out in the UNCRC and UNCRPD. The Society for Children and Youth of BC supported this specifically regarding the UNCRC. While in favour of better rights promotion and education, the Representative cautioned that expanding her mandate to include rights

education could significantly increase the office's workload and budget requirements.

## Committee Discussion

Committee Members discussed the importance of the UNCRC and the UNCRPD as valuable human rights tools that relate directly to the representative's work. The Committee was interested to hear that other provinces and territories have incorporated references to these conventions in the governing statutes of child and youth advocacy offices. Members

noted that the Representative already takes into account many of the principles outlined in the UNCRC and UNCRPD while conducting her work. The Committee agreed with the Representative and a number of organizations who expressed that they would like to see this formalized in the Act to ensure that future representatives are required to also take the UNCRC and UNCRPD into account in conducting their work, and recommended that references to the UNCRC and the UNCRPD be included in the Act.

## RECOMMENDATION

The Committee recommends to the Legislative Assembly that:

2. The Act be amended to require the representative to take into account the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities in carrying out their functions.

# ADVOCACY AND MONITORING

Section 6 (1) (a) and 6 (1) (b) of the Act outlines the representative's functions with respect to advocacy and monitoring of services for children and youth. These functions are limited to designated services, which are defined in section 1 of the Act and in the Representative for Children and Youth Regulation. These include services as defined in various statutes; early childhood development and child care services; mental health and substance use services for children; and services for youth during their transition to adulthood.

Section 6 (1) (a.1) of the Act provides the representative with a mandate to provide advocacy services for included adults respecting prescribed services. Included adults are defined as adults 19 and over and under 27 who are "receiving or eligible to receive community living support under the *Community Living Authority Act*" or who received a reviewable service as a child. Section 4.1 of the Regulation outlines prescribed services as:

- community living support provided or funded under the *Community Living Authority Act*, which includes support and services to children and adults with developmental disabilities and their families, among others;
- support services or financial assistance provided under an agreement made under section 12.3 of the *Child, Family and Community Service Act* (known as the Agreements with Young Adults); and
- the Provincial Tuition Waiver Program administered by the ministry of the minister responsible for the *College and Institute Act*.

## What the Committee Heard

### Advocacy and monitoring mandate: children and youth

The Representative was of the view that her current mandate regarding vulnerable children and youth remains limited and should be expanded. She stated that the varying ways services are described in the Act (such as referencing particular legislation, naming a government program, or describing the service in general terms) has led to confusion about her mandate and the exclusion of relevant services. As an example, the Representative noted that services for children and youth with support needs that are not administered by the Ministry of Children and Family Development are not within her mandate.

The Representative also noted that designated services are generally for more vulnerable children and that the inclusion of child care services, which are less targeted, in the representative's mandate is inconsistent. The inclusion of child care services raises the question of whether the representative's mandate should be broadened to all publicly-funded services for children, similar to the mandates of child and youth advocates in some other provincial and territorial jurisdictions. The Representative indicated that such a change would be premature and would have significant resource implications on her office.

Rather, the Representative recommended, for the purposes of advocacy and monitoring for children and youth, to amend the Act to describe the scope of services for children and youth in more general terms, including: early childhood

development services, child welfare services, mental health services for children and youth, substance use services for children and youth, services for children and youth with support needs, special education (inclusion) services for children and youth, youth justice services, services for youth in their transition to adulthood and services for gender diverse youth. In response to a request for additional information about this recommendation, the Representative clarified that her recommended scope expands her mandate in three areas: services for children and youth with support needs beyond those provided by MCFD, special education services, and services for gender diverse youth. The Representative stated that including all services for children and youth with support needs, as well as services for gender diverse youth, would not have significant resource implications as her office already serves some of this population as they may be receiving other services in her mandate. She noted, for example, that children and youth with support needs who receive services from health authorities are often also receiving services from MCFD. In terms of including special education services, she indicated that this would significantly increase workload and require increased staffing, but that this could be managed by phasing in implementation.

As an interim step, the Representative recommended amending the Regulation to broaden the advocacy mandate for children and youth with support needs to include Nursing Support Services, assessment and diagnostic clinics for children with autism and complex developmental behavioral disorders, and inclusive education services as additional designated services. The Representative confirmed that these services are the most pressing gap in the office's advocacy mandate.

Many organizations supported expanding and clarifying the services included in the representative's advocacy and monitoring mandates. The BC Complex Kids Society shared that including Nursing Support Services in the representative's advocacy mandate would allow for more focus in an area of great concern to children and youth with complex support needs. The Society noted that many children have high support needs in most areas of their lives, but the supports

they rely on are often provided by different ministries, or may fall into service gaps and not be offered. Two survey respondents were of a similar view that eligibility criteria should be expanded to enable the representative to advocate for children and youth with support needs receiving health authority services.

The BCEdAccess Society advocated for the inclusion of education services in the representative's mandate. The Society stated that the only recourse parents have for issues their children encounter in an educational setting is to make an appeal under the *School Act* or to assert their children's rights at the BC Human Rights Tribunal, both of which are individualized approaches that may not lead to systemic change.

Inclusion BC was of the view that the representative's mandate should include all publicly-funded services, including education and health care, to support a "whole child" approach and to ensure that the representative is able to advocate and advance rights for children and youth in a holistic manner. They noted that this is particularly important for youth with medical complexities who transition to services provided by Community Living BC.

Several survey respondents described confusion regarding which services are included in the representative's mandate, particularly for families seeking advice. Five respondents noted that updating the representative's mandate to include a broader list of public services would help families gain better access to the services and supports they need. In contrast, two survey respondents were of the view that the representative's mandate should be limited to only advocacy services.

### **Advocacy mandate: included adults**

As noted, section 6 (1) (a.1) of the Act enables the representative to provide advocacy services for young adults, referred to as "included adults," with respect to prescribed services and programs. The Representative stated that the list of prescribed services and programs is quite limited, which prevents her from taking a "whole person" approach to advocating for young adults. For example, prescribed services

do not include mental health, substance use, or housing services. The Representative recommended expanding her jurisdiction by amending the Act to provide advocacy services for young adults with respect to services “necessary to support the transition to adulthood,” and enabling the representative to form agreements with organizations like BC Housing, Community Living BC, and the Ministry of Health to determine the exact services included. As an interim measure, the Representative recommended broadening her mandate in relation to services for young adults by amending the Regulation to include publicly-funded mental health and substance use services.

Community Living BC expressed concern that changes to the representative’s mandate may lead to the inclusion of housing services for young adults, as well as specialized health services and supports for young adults who have significant medical needs. The organization also noted that they do not have a mandate to provide housing. While the representative’s mandate currently allows for service-related advocacy with Community Living BC clients up to age 27, the organization is concerned that, combined with the Representative’s recommendations on systemic advocacy, Community Living BC could be expected to house medically complex individuals, impacting its ability to develop a range of service options in inclusive housing.

The Adoptive Families Association of BC indicated that staff regularly hear from young adults about eligibility criteria for support from the representative’s office. The Association shared that young adults who contact the organization have said they are confused by how criteria in the Act is worded regarding receipt of services and time spent in care or having transitioned from care. The Association noted that those who spend a shorter period of time in care, or who are not in care at the time of their 19th birthday, can experience many of the same challenges and disadvantages associated with children and youth who have spent considerable time in care. The organization suggested that expanding eligibility to all former youth in care would address these gaps and clarify eligibility. Similarly, a survey respondent expressed frustration regarding the inability of the representative’s office to provide advocacy

for young adults seeking more generalized services and supports as they transition to adulthood.

The Representative indicated that she does not support this approach to expand her office’s jurisdiction to include all former youth in care. She noted that the gaps which currently exist are mainly gaps in program eligibility (primarily for Agreements with Young Adults and the provincial Tuition Waiver Program), which her office will continue to advocate at a systemic level, but cannot address at an individual level.

### **Systemic advocacy as a primary function**

Section 6 (1) (b) of the Act provides the representative with the power to “monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions.” The Representative’s *Annual Report 2021/22* describes “systemic advocacy” as the term her office now uses for the “monitoring” function as described in the Act.

The Representative indicated that, despite the central role of advocating for systemic change implicit in the Act and explicit in her office’s work, the Act does not currently frame her monitoring mandate in this way. The Representative distinguished between systemic advocacy and her current monitoring mandate by indicating that her current monitoring mandate is the means through which systemic advocacy is informed. The Representative suggested that amending the Act to reference systemic advocacy would clarify and affirm the representative’s functions in this regard.

Similarly, BCEdAccess Society highlighted the value of taking a holistic approach to systemic advocacy, rather than working in silos, to ensure that children and youth are able to fully participate in their education. They noted that gaps in accountability and monitoring can leave some children unsupported and could mean that they do not receive services such as Nursing Support Services and mental health supports. Community Living BC also supported extending the representative’s mandate to include systemic advocacy

to increase oversight, contribute to systemic change and enhance access to services.

Conversely, a survey respondent opposed including systemic advocacy as a primary function of the representative and linking this function to the current monitoring mandate. They stated that including systemic advocacy as a primary purpose may lead to more generic, less focused, and less useful reports. Another survey respondent expressed concerns about elevating the function of systemic advocacy, as they were of the view that the office's most recent reports related to systemic issues may not be effective in highlighting the need for improvements.

### Monitoring of services for young adults

The representative's monitoring mandate is limited to designated services, which are specifically defined as services for children. The representative does not have a similar monitoring mandate regarding services for young adults, which the current Representative indicated prevents her office from addressing repeat issues arising in advocacy. To address this, she recommended that the Act be amended to provide her office with a monitoring function regarding services for those who were formerly in care and young adults in receipt of, or eligible for, Community Living BC services.

Community Living BC raised concerns about the representative receiving a monitoring function over services for young adults, noting that their services are already subject to oversight by the Office of the Advocate for Service Quality (OASQ), which supports individuals with intellectual and developmental disabilities and their families regarding complaints or concerns related to services provided by Community Living BC, government, or community agencies. The Representative noted that the OASQ is an internal quality monitoring body, without the independence or reporting abilities of the representative and noted that not all services for young adults are provided by Community Living BC and therefore would not be subject to the quality assurance monitoring provided by the OASQ.

### Monitoring of quality assurance processes

The Representative noted that ministries and public bodies responsible for the delivery of designated programs for children and families have a variety of processes and mechanisms to monitor, assess and identify strengths and weaknesses in service delivery. She indicated that quality assurance processes and mechanisms come in a wide variety of forms including: formal complaint processes; program evaluations; individual case reviews; policy and standards audits; investigations; performance measures; routine and targeted data collection and analysis; among others. The Representative was of the view that quality assurance processes are as integral as other fundamental components of service delivery, such as budget capacity, human resource practices, program policies and procedures, infrastructure supports, information systems, and training programs. In the interest of continuous improvement, she indicated that her office should have authority to systemically examine the strengths and weaknesses of quality assurance processes that are in place by public bodies, and to suggest improvements to those processes.

As noted, section 6 (1) (b) of the Act stipulates that the representative is empowered to monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions. The Representative noted that there has been some debate as to whether or not the Act provides the representative with the authority to monitor quality assurance processes. The Representative was of the view that amending the Act to explicitly include quality assurance processes for all designated services would allow her office to take a systemic view of the effectiveness of overall quality assurance processes. The Representative clarified that this proposed change would not impact the office's workload because monitoring is a discretionary function and would simply allow the representative to monitor quality assurance processes. Inclusion BC supported the Representative's recommendation and indicated that data collection is a mechanism to increase

transparency and accountability which needs to be built into the network of supports for people with disabilities and which would also be in alignment with the UNCRPD.

Community Living BC expressed concerns about providing the representative with authority to monitor quality assurance processes for services funded by their organization. They asserted that this would duplicate the work of the several formal and informal structures and processes in place that provide oversight and input into their quality assurance processes, including the OASQ and their monitoring framework. Similarly, a survey respondent questioned the need for the representative to undertake additional quality assurance activities, pointing to systems and procedures the Ministry of Children and Family Development has in place for quality assurance, which in their view, makes many of the responsibilities of the representative redundant.

## Committee Discussion

Committee Members recognized that there are areas of the representative's mandate that could benefit from clarity and expansion to ensure vulnerable children, youth and young adults in BC are receiving the supports and services they need. They also acknowledged that changes in this regard could have significant resource implications for the representative's office.

With respect to the representative's advocacy and monitoring mandate in relation to children and youth, the Committee noted inconsistencies with how programs and services are described, and took particular note of the three specific gaps identified by the Representative and others: services for children and youth with support needs delivered by public bodies other than MCFD, special education (inclusion) services, and services for gender diverse youth. Committee Members agreed that programs and services should be described in general terms, and that all services for children and youth with support needs and services for gender diverse youth should be included within the advocacy and monitoring mandate; they also agreed that child care services should be removed. For special education services, the

Committee favoured an incremental approach that enables the representative to provide advocacy services in this area if the child or youth is currently receiving other services in the representative's mandate thereby supporting a whole child approach for those children and their families. Committee Members also agreed with the suggestion for an interim measure of addressing particularly pressing gaps related to services for children with autism and complex behavioural disorders and some special education services by way of amendments to the Regulation.

For young adults, Committee Members similarly agreed that the Act should make a general reference to the representative providing advocacy services in relation to the services necessary to support the transition to adulthood and that in the interim, the Regulation should be amended to include mental health and substance use services. The Committee also noted that the representative does not currently have a monitoring function over services for young adults and recommended that the Act be amended to provide the representative with a monitoring function for services for young adults up to age 27 who were formerly in care and/or young adults in receipt of, or eligible for, Community Living BC services. The Committee was also of the view that the language in the Act should be updated to refer to "young adults" rather than "included adults" in the interest of accessibility.

Committee Members discussed the value of the representative's systemic advocacy work and how this relates to the monitoring work undertaken by the office and recommended that the Act be amended to include systemic advocacy as a primary function. The Committee noted that the Representative had indicated that her office is already using the term "systemic advocacy" to describe its monitoring function in its latest annual report and other communications. The Committee agreed that this change in terminology would help to better describe the overall purpose of the representative's office and could provide clarity for stakeholders.



Committee Members also discussed quality assurance processes and the representative's role in this regard. While they acknowledged other processes already in place, such as those in the OASQ within the Ministry of Social Development and Poverty Reduction, they noted the value of an independent review of these processes for transparency and accountability. As such, the Committee recommended

that the Act be amended to provide the representative with clear authority to monitor, review, audit and conduct research regarding quality assurance processes for all designated services with the understanding that the representative can gradually implement their oversight in this area as resources allow.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

3. a. For the purposes of advocacy and monitoring, the Act be amended to describe the scope of services for children and youth generally, including:
  - i. early childhood development services;
  - ii. child welfare services;
  - iii. mental health services for children and youth;
  - iv. substance use services for children and youth;
  - v. services for children and youth with support needs (CYSN);
  - vi. youth justice services;
  - vii. services for youth in their transition to adulthood; and
  - viii. services for gender diverse youth.
- b. For the purposes of advocacy, the Act be amended to include special education (inclusion) services for children and youth who are currently receiving services outlined in 3a.
4. In the interim, the Representative for Children and Youth Regulation be amended to broaden the representative's advocacy mandate for children and youth with support needs by including the following:
  - a. Nursing Support Services and the assessment and diagnostic clinics for children with autism (BC Autism Assessment Network) and complex behavioral disorders (Complex Developmental Behavioral Conditions Network) funded by the Ministry of Health or health authorities; and
  - b. special (inclusive) education services funded by the Ministry of Education and Child Care for children and youth who are currently receiving services for children and youth with support needs.
5. The Act be amended to revert "included adult" back to "young adult" in the interest of more accessible language.

6. The Act be amended to define “young adult” (or “included adult”), at minimum, as adults under the age of 27 years who:
  - a. are eligible for, or in receipt of, Community Living BC services, or
  - b. were formerly in care as defined by proposed changes to the eligibility for a broadened suite of transitional support services (i.e., those who were under any form of order agreement and who were in care for a cumulative period of two years between the ages of 12 and 19).
7. Section 6 of the Act be amended to enable the representative to provide advocacy services to young adults regarding the services necessary to support their transition to adulthood.
8. In the interim, the Representative for Children and Youth Regulation be amended to include mental health and substance use services provided or funded by the provincial government in the representative’s advocacy mandate for young adults.
9. The Act be amended to provide the representative with a monitoring function regarding services for young adults up to age 27 who were formerly in care and/or young adults in receipt of, or eligible for, Community Living BC services.
10. Section 6 of the Act be amended to include systemic advocacy as a primary function of the representative and that this function be linked to the representative’s current monitoring mandate.
11. Section 6 (1) (b) of the Act be amended to provide the representative with clear authority to monitor, review, audit and conduct research regarding quality assurance processes for all designated services.

# REVIEWS AND INVESTIGATIONS

Section 6 (1) (c) empowers the representative to review, investigate and report on critical injuries and deaths of children. The details of this mandate are outlined in Part 4 of the Act. Section 11 (1) empowers the representative to conduct a review of a critical injury or death of a child “who was receiving, or whose family was receiving” a reviewable service at the time of critical injury or death, or in the year beforehand. Reviewable services, as defined in section 1 of the Act and section 4 of the Representative for Children and Youth Regulation, include child welfare services, youth criminal justice services and mental health and substance use services. As defined in the Act, a critical injury “means an injury to a child that may result in the child’s death, or cause serious or long-term impairment of the child’s health.”

## What the Committee Heard

### Mandate for reviews and investigations

The Committee heard from a number of organizations and survey respondents about gaps in the representative’s mandate for reviews and investigations. The Representative shared that section 11 requires a child or youth to have been receiving or have received a reviewable service in the preceding year for a critical injury or death to be subject to review. She highlighted that this means that the representative cannot review or investigate critical injuries or deaths of children waitlisted for reviewable services. The Representative emphasized that this is particularly significant for services that often have long waitlists, such as mental health and substance use services. To help address this, the Representative recommended amending the Act to subject a critical injury or death affecting a child who is eligible for

a reviewable service to review and investigation. She noted that this would align with the representative’s advocacy mandate, which requires a child to be “receiving or eligible to receive” a designated service. When asked by the Committee for information about the resource implications of this proposed change, the Representative shared that it could be accommodated within existing resources as this function is discretionary.

The Representative noted that during an investigation she is only empowered to consider circumstances that take place before a child turns 19. The Representative shared the example of a young person who experiences multiple overdoses before 19 and then dies of an overdose six months after their 19th birthday, saying that her office should be able to consider the overdose as part of the investigation. She recommended that if a critical injury takes place before a child turns 19, the investigation should be able to include additional relevant incidents that may occur after the person turned 19. She proposed capping this at events that have taken place within one year of an individual turning 19.

Two survey respondents recommended allowing the representative to review and investigate critical injuries and deaths of young adults. One respondent suggested expanding the representative’s mandate to people over 19 who received a reviewable service in the 12 months prior to the critical injury or death, or are still receiving a reviewable service. The respondent noted that since the onset of the COVID-19 pandemic, young adults have been permitted to stay in foster care up to age 21, creating a gap between foster care eligibility and the representative’s reviews and investigations mandate.

Regarding definitions in the Act related to the representative's reviews and investigations mandate, the Representative shared that health authorities, which are required to report critical injuries and deaths to the representative, have raised questions about the definition of "critical injury," which is provided in section 1 of the Act. The Representative noted that, while many have come to understand that "serious or long-term impairment of the child's health" includes physical, mental and emotional health, it would be helpful to make this explicit in the Act. This would ensure that incidents that do not involve physical injury, but may seriously affect a child's emotional and mental wellbeing, are included as critical injuries. Similarly, the UBCIC recommended updating the description of "health" informed by the diverse understandings of health, harm and injury to children and youth within Indigenous Nations.

Interior Health recommended expanding what is considered a "reviewable service" beyond specific sites or locations devoted to providing mental health and substance use services to locations that provide more generalized health services such as emergency departments, which also provide mental health and substance use services. Additionally, Interior Health recommended updating language in the Act to refer to "substance use services" rather than "addiction services." Four survey respondents made various recommendations regarding broadening the representative's reviews and investigations mandate, including expanding the circumstances the representative is allowed to examine and the services that are considered reviewable.

### **Information-sharing for reviews of critical injuries or deaths**

The Representative explained that the strict confidentiality requirements of the Act mean that her findings from reviews of critical injuries or deaths cannot be shared with parents. This is not the case with investigations, where family members are more likely to be made aware of details through the investigation process or a public report. The Representative asserted that being unable to disclose even general or summary information to parents, especially when a child has died, seems unethical. The Representative was of

the view that this is even more important for parents whose children were placed in care, making them no longer the legal guardian, because if the child dies, parents are not able to access information from public bodies. She recommended amending the Act to allow the representative to share limited summary information about the results of a review with the child's adoptive or birth parents, regardless of guardianship. The Representative stated that she would not support permitting disclosure to parents of detailed case records or the detailed reports of reviews that are disclosed to public bodies, but rather supports having discretion to provide high-level written or oral information to parents about the key findings and decisions in a review. She acknowledged that the disclosure of even summary information may enable further actions by the parent, including legal action, and suggested that subsequent disclosure of the information could be prohibited.

The Representative also noted that the Act prevents her office from sharing information with Indigenous Child and Family Services Agencies, even when they are responsible for the provision of the reviewable service in question. This is because the agencies are not considered "public bodies" or "directors" under the Act, but rather are delegates of directors. The Representative noted that a majority of the children in care who are Indigenous are served by Indigenous Child and Family Services Agencies; as such, she recommended permitting disclosure of the results of reviews to those bodies.

### **Notification and consultation during investigations**

Should the representative decide to investigate a critical injury or death, section 12 (4) requires them to notify the public body responsible for the reviewable service in question as well as anyone else they consider appropriate. The Office of the Public Guardian and Trustee, who is responsible for the legal and financial interests of some children and youth in BC, including those in care, recommended requiring the representative to notify the public guardian and trustee when a child for whom they are property guardian is subject to an investigation. The Public Guardian and Trustee suggested

that making these types of notifications mandatory would not only guarantee that their office is notified, but it would also save the representative from having to document a discretionary decision. In response, the Representative noted that her office's current policy is to only pursue investigations related to children who have died; however, she plans to initiate a protocol agreement that provides for notification of investigations to the Public Guardian and Trustee.

The UBCIC noted that there is currently no requirement for the representative to notify, consult or report to First Nations or other Indigenous groups during a review or investigation, nor does the Act enable First Nations to conduct their own investigations and reviews. The UBCIC recommended amending the Act to require the representative to notify a First Nation or Indigenous group whose children or youth have experienced a critical injury or death of an investigation, and to consult with and report to the First Nation or Indigenous group through all stages of a review and/or investigation. The UBCIC also recommended amending the Act to set out a process for the appointment of an Indigenous advisory group to provide support, advice and guidance to the representative respecting the reviews and investigations of critical injuries and deaths of Indigenous children.

### **Public reporting on reviews and investigations**

Section 16 allows the representative to make two types of reports regarding reviews and investigations of critical injuries or deaths: a report on a specific investigation and an aggregate report of reviews and investigations. The Representative noted that section 16 (4) states that a report on an investigation may include recommendations, but that the Act does not indicate whether an aggregate report may include recommendations. The Representative recommended clarifying that her office may make recommendations in an aggregate review report on critical injuries and deaths, since the goal of such a report is to improve policy and practice.

The Representative also noted that the vast majority of reviews are conducted confidentially and the only public reporting on them is through aggregate reports or the office's annual report. The Representative stated that she is

concerned that the findings and lessons learned from those reviews are not being shared. She also noted that Ministry of Children and Family Development posts anonymized summaries of director case reviews (now referred to as Child and Family Practice Reviews) on its website and suggested the representative be allowed to do the same. She recommended amending the Act to authorize her office to publicly report anonymized information about reviews of critical injuries and deaths, including the nature of reviews and case summaries.

The Public Guardian and Trustee expressed concern that a child or youth who is the subject of an investigation may have significant and legitimate concerns about their personal information being disclosed in a report at the discretion of the representative, particularly given that the reports are public documents. The Public Guardian and Trustee recommended amending the Act to require the representative to respect the wishes of a child or youth who objects to the disclosure of their personal information in a report where the representative is unable to anonymize personal information sufficiently to satisfy the concerns of the child or youth. In response to the Public Guardian and Trustee's recommendation, the Representative noted that she has introduced a policy of not conducting investigations related to living children, out of concerns around anonymization and whether a child may later regret letting their story be shared. She shared that she plans to initiate discussions with the Public Guardian and Trustee about hearing the voice of a child or youth in cases where they are property guardian.

### **Committee Discussion**

Committee Members noted that allowing reviews and investigations of critical injuries and deaths of children who are eligible for reviewable services would align the representative's investigations mandate with their advocacy and monitoring mandate, which is based on eligibility for services. They also noted that the representative's functions in this regard are discretionary and that including children waitlisted for reviewable services would expand the range of cases to comprehensively review or investigate. As such,

they agreed that the Act should be amended so that critical injury or death of a child who is eligible for a reviewable service is subject to review and investigation. The Committee also agreed that where a child experienced a critical injury, the representative should be able to consider events and incidents that occurred up to one year after a child reaches 19 years of age as part of an investigation.

The Committee expressed interest in modernizing some of the language in the Act and supported referring to “substance use services” rather than “addiction services.” In addition, in reference to the meaning of “health” within the definition of “critical injury,” the Committee discussed different dimensions and understandings of health, including those held by Indigenous communities and other diverse cultural communities. The Committee agreed that this definition should be revised to explicitly reference physical, mental and emotional health.

Committee Members were interested in the input related to the sharing of information from reviews with parents and other bodies. They appreciated the complexity of this issue and various considerations, such as privacy implications and the rights of the child, family and community, that may inform why there may be constraints on sharing information while also acknowledging that circumstances may warrant the sharing of some information, particularly when a child has died. The Committee noted that the suggestions they received in this regard were about providing the representative with discretion to disclose information, not an obligation to do so. As such, the Committee agreed that the Act should be amended to allow the representative to share limited information with parents while emphasizing the importance of complying with privacy considerations. The Committee also acknowledged a specific barrier as it relates to sharing the results of reviews with Indigenous Child and Family Services Agencies, and recommended that this issue be addressed.

Regarding the Public Guardian and Trustee’s request to be notified of investigations, Committee Members noted the Representative’s commitment to initiating a protocol agreement on this issue with the Public Guardian and

Trustee. In the interest of formalizing this arrangement, the Committee recommended that the Act be amended to require the representative to notify the Public Guardian and Trustee of an investigation undertaken by the representative concerning the critical injury of a child or youth for whom the Public Guardian and Trustee serves as property guardian.

Members recognized the historical precedents around notifying Indigenous leaders, communities or families regarding an investigation related to the critical injury or death of an Indigenous child or youth and the sensitivity required in these cases. The Committee supported an amendment to the Act to require the representative to notify the First Nation or Indigenous community when the representative is investigating a critical injury or death of one of their children or youth. Committee Members indicated that notification is particularly important when a child has been living outside of the community and noted it is preferable for Indigenous communities to determine what notification processes should look like in their communities.

The Committee additionally supported allowing the representative to publicly report anonymized information about reviews of critical injuries and deaths. Members suggested that provincial privacy legislation may include guidelines to aid the representative in determining what level of anonymization might be required prior to sharing the personal information or stories of young people.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

12. Section 11 be amended to clarify that a critical injury or death of a child who is eligible for a reviewable service, including a child on a waitlist, is subject to review and investigation by the representative.
13. The Act be amended to provide that, where a critical injury has arisen while the injured person was a child, an investigation may include events and incidents that occurred up to one year after the child reaches 19 years of age, where the representative believes that such an investigation raises important public policy issues.
14. The Act be amended to refer to “substance use services” rather than “addiction services.”
15. The definition of “critical injury” in section 1 of the Act be amended to clarify that “health” includes physical, mental and emotional health.
16. The Act be amended to provide the representative the discretion to share limited summary information about the results of a review with a child’s adoptive or birth parents, regardless of guardianship (subject to limits on the future use of the information).
17. The Act be amended to provide the representative the discretion to directly disclose the results of a review to the Indigenous Child and Family Service Agency responsible for the case in question.
18. Section 12 (4) of the Act be amended to require the representative to notify the Public Guardian and Trustee of an investigation undertaken by the representative concerning the critical injury of a child or youth for whom the Public Guardian and Trustee serves as property guardian.
19. Section 12 (4) of the Act be amended to require the representative to notify the First Nation and/or Indigenous community when the representative is investigating the critical injury or death of one of their children or youth.
20. Section 11 of the Act be amended to clarify that the representative may make recommendations to a public body or director in an aggregate review report on critical injuries or deaths.
21. The Act be amended to authorize the representative to publicly report anonymized information about reviews of critical injuries or deaths, including condensed reviews and case summaries.

# APPOINTMENT OF THE REPRESENTATIVE AND STAFF

Section 2 of the Act stipulates that the representative is appointed for a five-year term and may be reappointed for a further five-year term. Section 2 also provides for the appointment of the representative by a resolution of the Legislative Assembly based on a unanimous recommendation by a special committee.

Section 7 of the Act includes provisions for the appointment of one or more deputy representatives and any other employees of the office. Section 2 of the Representative for Children and Youth Regulation outlines the qualifications of a deputy representative.

## What the Committee Heard

### Appointment of the representative

The Representative was of the view that a non-renewable, longer term of seven to eight years for this position would be preferable. The Representative referenced the rationale put forth by her predecessor in a recommendation to the special committee in 2018 who stated that “a single term better ensures that the office holder, knowing his or her term of office cannot be renewed, will fully maintain the independence and vigilance required of the office holder.”

The UBCIC commented on the selection and appointment process for the representative and noted that there is no obligation for the special committee to consult with First Nations or other Indigenous groups as part of the appointment process. The organization pointed to Articles 18 and 19 of UNDRIP, which require appropriate mechanisms for Indigenous peoples to participate in decision-making processes which affect them and their rights, and how

vulnerable Indigenous children and youth are potentially impacted by the appointment decision. Based on this, the UBCIC suggested that the Act be amended to require the special committee to consult and engage with First Nations regarding the selection and recommendation of representative appointees. They also recommended prioritizing Indigenous applicants as part of the special committee’s selection process for the representative’s position.

### Appointment of the deputy representative

The Representative discussed an issue, which has been highlighted in previous reviews, with the qualifications of the deputy representative as outlined in section 2 (b) of the Regulation. The Representative noted that the way section 2 (b) is worded would permit the hiring of a deputy representative who only has one of the experience qualifications listed, such as experience with financial and business administration, rather than experience working with children or investigating critical injuries or deaths of children. The Representative was of the view that the qualifications outlined in the Regulation should be clarified.

### Representative’s staff

In terms of the representative’s staff, the UBCIC highlighted a recommendation from the 2006 Ted Hughes report that led to the creation of the position of the representative, which recommended that at least one of the three senior positions at the office be held by an Indigenous person and that the representative actively recruit Indigenous staff at all levels of the organization. Mr. Hughes noted that “the Office of the Representative for Children and Youth must have [Indigenous]



people at senior levels if it is to be seen as truly accessible and credible to [Indigenous] people, and, with a constituency that is at least half [Indigenous], can only be fully effective if it is guided by people with a true understanding of [Indigenous] values, culture, and communities.” In line with this, the UBCIC suggested amending the Act to require the representative to establish a plan to increase representation of BC First Nations among staff to a threshold of at least 50 percent.

The UBCIC also stated that the Act does not require the representative to appoint Indigenous employees or to specifically liaise with an Indigenous representative body, expert or specialist. To address this issue, the UBCIC recommended the Act be amended to require the representative to appoint a First Nations advisory role to assist their office in exercising its powers, functions and duties under the Act. The UBCIC also suggested amending the Act to appoint an independent Indigenous advocate accountable to First Nations governments either within the representative’s office or outside of it. Interior Health recommended amending section 7 of the Act to reference the importance of cultural humility and the need to create cultural safety through understanding and involvement in the lives of Indigenous children, families and communities.

## Committee Discussion

Committee Members acknowledged the value of representation and having the representative and the office reflect Indigenous peoples and the diverse populations that make up BC. The Committee noted the UBCIC reference to the 2006 Ted Hughes report which stated that the representative’s office must have Indigenous people at senior levels in order for the office to be seen as “truly accessible and credible to [Indigenous] people and needs to be guided by people with a true understanding of [Indigenous] values, culture and communities.” With respect to the position of representative, the Committee noted that the special committee tasked with recommending a person to the position of representative determines its own recruitment process and that previous

special committees have acknowledged the value of knowledge and experience with Indigenous communities when reviewing the qualifications of candidates for this role. Committee Members agreed with formalizing this approach by amending the Act to require the special committee to consider a candidate’s knowledge of and experience with Indigenous communities, families, cultures, values and history. The Committee further recommended that the Act be amended to require the representative to develop a plan to increase Indigenous representation and diversity among the employees of their office.

Committee Members also agreed with the Representative’s observation that the wording of section 2 (b) of the Representative for Children and Youth Regulation could allow a deputy representative to be hired with only one of the four qualifications listed, such as experience with financial and business administration. Accordingly, the Committee recommended that the qualifications for the experience of the deputy representative be clarified in the Regulation to ensure that experience with children and youth and/or the child- and youth-serving system is required.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

22. The special committee appointed to recommend a person to the position of representative be required to consider a candidate's knowledge of and experience with Indigenous communities, families, cultures, values and history.
23. The Act be amended to require the representative to establish a plan to increase Indigenous representation and diversity among employees of their office.
24. The qualifications of a deputy representative set out in section 2 (b) of the Representative for Children and Youth Regulation be clarified so experience with children and youth and/or the child- and youth-serving system is required.

# GENERAL POWERS AND PROVISIONS

Section 10 of the Act describes the representative's right to information to support their advocacy and review functions. The representative has a broad right to information in the custody and control of a public body and directors (same public bodies as outlined in Schedule 2 of the *Freedom of Information and Protection of Privacy Act*), that is necessary to exercise the representative's powers, functions and duties under the Act. The public body or director is required to disclose to the representative the information to which the representative is entitled under this section of the Act. Limitations to this include solicitor-client privilege and restrictions related to section 51 of the *Evidence Act*, which deals primarily with internal hospital reviews.

Section 26 of the Act requires that if a child or youth in a foster home, group home, or other place providing designated services asks to communicate with the representative, their request must be forwarded to the representative immediately. If requested, the child or youth has a right to be assisted in immediately contacting the representative and the child or youth has a right to privacy in all communications with the representative. Similarly, letters addressed to the representative must be mailed unopened. Section 70 (1) of the *Child, Family and Community Service Act* also includes a provision for children in care to have the right to speak privately with the representative.

Section 30 (1) of the Act stipulates that a comprehensive review of the Act or a review of portions of the Act must be undertaken at least once every five years by the Committee. It also requires that the review determine whether the functions of the representative described in section 6 are still required to ensure that the needs of children and included adults are

met. Section 30 (2) of the Act stipulates that, in addition to the comprehensive review required under subsection (1), the Committee must also complete, by April 1, 2015, an assessment of the effectiveness of section 6 (1) (b), which outlines the representative's monitoring function, in ensuring that the needs of children are met.

## What the Committee Heard

### Right to information

The Representative indicated that in order to enable the representative to carry out the office's unique functions, the Act accords the representative extraordinary powers to gather information and these powers are in turn balanced by "extraordinary limitations on the disclosure of that information." The Representative described a number of barriers with respect to obtaining information that her staff might face, including when services are delivered by a contractor or agency, rather than directly by a public body or ministry. The Representative indicated that this situation could create additional work for the public body to obtain the information from the contractor which can also result in delays for her office to obtain information. The Representative also noted that her staff have been met with resistance from public bodies to provide information.

To resolve this issue, the Representative recommended empowering her office to gather information directly from service providers, such as an agency or person under contract or agreement to provide designated or reviewable services for a public body. The Representative was also of the view that it would be helpful to clarify her office's ability to gather

information from the Royal Canadian Mounted Police, which is governed by federal legislation.

## Communication with a child or youth

The Representative, along with a number of organizations and survey respondents, indicated that the provisions in the *Child, Family and Community Service Act* and the *Representative for Children and Youth Act* with respect to communications to or from a child or youth, including referrals to the representative, are inadequate. The Representative noted that the provisions in the *Child, Family and Community Service Act* only address children and youth in care, while the representative's jurisdiction includes a much broader group. Additionally, the *Representative for Children and Youth Act* does not require the communication to use language the child or youth will understand and references "letters," but not more common forms of communication like email, texting or instant messaging.

In terms of forms of communication, the BC Association of Aboriginal Friendship Centres stated that research has demonstrated that self-injury or self-harm are forms of non-verbal communication that can be exhibited by individuals in crisis or needing support or intervention. As such, they were of the view that non-verbal communication should be included as a type of communication that would warrant contacting the representative the same way a verbal request to contact the representative would be treated. The Representative noted that serious or repeated self-injury, as well as suicide ideation and attempts, are already considered critical injuries and expected to be reported to her office.

A survey respondent highlighted concerns around whether or not children and youth are having their request to contact the representative acted upon in a timely manner or at all. Similarly, Interior Health expressed concerns that many children, youth and service providers may not be aware of stipulations within the Act regarding the ability for children and youth to contact the representative and how contact may be facilitated. As a potential solution, Interior Health recommended that section 26 of the Act be amended to promote communication to the representative's office

to ensure that service providers and youth are aware of opportunities for engagement and communication with the representative's office.

## Review of the Act

Referencing the language in section 30 (1) which requires a review of the Act to determine whether the functions of the representative are still required, the Representative noted that no other child and youth advocacy office in Canada is subject to the kind of review that questions whether or not it should remain in place. She noted that similar legislation in other jurisdictions typically requires periodic reviews of the effectiveness of the statute, but none ask whether any of the functions should continue. The Representative indicated that, despite some positive changes, the demand for the representative's services demonstrates how much their office is needed and will still be required in the foreseeable future.

Similarly, several organizations, including Indigenous Child and Family Services Directors, the Society for Children and Youth of BC, as well as a number of survey respondents, were of the view that the representative's functions are still very much needed and highlighted the important work and contributions of the office. Indigenous Child and Family Services Directors noted the vulnerability of the population that the representative's office serves, including Indigenous children and youth. Along the same lines, the Public Guardian and Trustee highlighted the role of the representative's office in reviewing and investigating critical injuries and deaths of children and youth and making recommendations for improvements to the child welfare system, which they feel is critical to protecting the interests of children and youth. Accordingly, the Representative, and a number of these organizations, recommended the Act be amended to focus on periodic comprehensive reviews to ascertain how the Act can be improved to better serve children and youth in BC and that the reference to whether the functions of the representative are still required be removed. The Representative also noted that section 30 (2), which mandates a one-time review of the office's monitoring function by April 2015, should be repealed as the review in question has been completed.

The UBCIC urged the Committee to look beyond the scope of section 6 and to deeply review the Act as a whole and suggested that the Committee use UNDRIP as the minimum standard for its recommendations, and to meaningfully engage with Indigenous communities in all stages of its work. The organization indicated that Indigenous peoples were not consulted in the development of the Act or the establishment of the representative's office. The UBCIC recommended that the Act be amended to require the Committee to undertake a comprehensive review of the entire Act to assess its effectiveness in ensuring that the needs of Indigenous children and youth are met, either in conjunction with Indigenous communities, or through an independent Indigenous reviewer. Along the same lines, a survey respondent highlighted a perceived lack of engagement or consultation with Indigenous organizations and communities in the periodic reviews of the Act and would like to either see this improved or become a statutory requirement within the Act.

## Committee Discussion

The Committee noted the importance of ensuring that the representative has access to the information they require to fulfill their mandate and appreciated the Representative's challenges with gathering necessary information from contracted agencies. Committee Members agreed that enabling the representative to gather information directly from contracted agencies was preferable, while also

acknowledging that this will need to be done in accordance with privacy legislation.

The Committee took note of the recommendations put forth by presenters and survey respondents who discussed the importance of ensuring that children, youth and young adults are aware of their right to communicate with the representative regarding any issues or concerns they may have and that they receive assistance to communicate with the representative, if required. Committee Members agreed that it is important for children, youth and young adults to be aware of their right to communicate with the representative and that they should be enabled to communicate with the representative in a confidential and expeditious manner and that provisions in this regard also need to be updated to reflect modern means of communication.

With respect to reviews of the Act, the Committee emphasized that a comprehensive review every five years is important to ensure that the Act continues to serve the needs of children and youth in BC and agreed that this requirement should remain in place. They also took note of observations about the reference in section 30 (1) of the Act to the review determining whether the functions of the representative are still needed and agreed with the Representative and other organizations that this should be removed. In addition, Committee Members agreed that section 30 (2) of the Act which refers to an assessment of the effectiveness of section 6 (1) (b) to be undertaken by April 1, 2015 should be repealed as this assessment has been completed.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

25. Section 10 of the Act be amended to allow the representative to obtain information directly from service providers, such as an agency or person under contract or agreement to provide designated or reviewable services for a public body.

26. Section 26 of the Act be amended to provide that a child or youth, or a young adult in receipt of Community Living BC services, in a foster home, home share, staffed residential program, hospital, youth custody centre, facility or other place where a designated service is provided:
- a. must be informed about the representative's role in language suitable to the child, youth or young adult's level of understanding;
  - b. the child, youth or young adult has a right to be assisted in immediately contacting the representative (if requested);  
and
  - c. the child, youth or young adult has a right to privacy in all communications with the representative.
27. Section 30 (1) of the Act be amended to remove the reference to determining whether the functions of the representative are still required, and simply state that the Committee must undertake a comprehensive review of the Act every five years.
28. Section 30 (2) of the Act be repealed as this assessment has been completed.

# APPENDIX A: SUBMISSIONS AND PRESENTATIONS

## Organizations

Adoptive Families Association of BC\*  
BC Association of Aboriginal Friendship Centres  
BC Complex Kids Society\*  
BCEdAccess Society\*  
Community Living BC\*  
Inclusion BC\*  
Indigenous Child and Family Services Directors\*  
Interior Health  
Island Health\*  
Native Courtworker and Counselling Association of BC\*  
Office of the Human Rights Commissioner\*  
Office of the Representative for Children and Youth\*  
Public Guardian and Trustee of British Columbia\*  
Society for Children and Youth of BC\*  
Union of BC Indian Chiefs\*

## Individuals

Guy Bonneau  
Derryck Smith

\*Organizations that presented to the Committee at its November 4, 2022 public hearing.

# APPENDIX B: SURVEY QUESTIONS

As part of its review of the *Representative for Children and Youth Act*, the Committee invited input through an online survey from October 19 to November 30, 2022, as provided below.

---

*The Select Standing Committee on Children and Youth is reviewing the Representative for Children and Youth Act to determine whether the functions of the Representative for Children and Youth are meeting the needs of children, youth and young adults.*

*British Columbians, including children, youth, young adults, parents or caregivers, and others are invited to complete this survey form to provide input to the Committee on the functions of the Representative. Please note that the Committee cannot comment on the merits of specific complaints or investigations.*

*Deadline for participation is **November 30, 2022 at 3:00 p.m.***

*The survey includes several open-ended questions. You have the option of uploading a document (including written or audio files) with your responses, filling out an online survey, providing a written response using this form and emailing a copy to [ChildrenandYouthCommittee@leg.bc.ca](mailto:ChildrenandYouthCommittee@leg.bc.ca) or mailing in a document with your responses to:*

*Select Standing Committee on Children and Youth  
c/o Parliamentary Committees Office  
Room 224, Parliament Buildings  
Victoria, BC V8V 1X4*

***Please note all survey questions are optional.***

*If you require assistance or alternative arrangements in completing the survey, or have questions about participating, please contact the Parliamentary Committees Office at [ChildrenandYouthCommittee@leg.bc.ca](mailto:ChildrenandYouthCommittee@leg.bc.ca) or 250-356-2933 (toll-free in BC at 1-877-428-8337).*

## ***Privacy Policy***

*The Parliamentary Committees Office of the Legislative Assembly of British Columbia, which supports the Committee, is committed to protecting personal contact information it collects from individuals during public consultation. Read more in our [Privacy Policy](#).*



## **Collection of personal contact information**

*Individuals providing input to a parliamentary committee must provide their full name and personal contact information (i.e., valid email address and phone number) for verification purposes. Anonymous submissions will not be accepted.*

## **Protection of personal contact information**

*Personal contact information will only be viewed by staff in the Parliamentary Committees Office and by technical support staff of the Legislative Assembly and used by staff in the Parliamentary Committees Office for the purpose for which it has been provided. It will not be disclosed to Committee Members or any third parties. The Parliamentary Committees Office protects personal information by taking appropriate safeguards against unauthorized use or disclosure.*

## **How input will be used**

*Participants' responses will be viewed by staff in the Parliamentary Committees Office and by Committee Members. The information provided will be used to inform the Committee's work and recommendations to the Legislative Assembly and may be included in the Committee's report. The information will not be linked to individual participants by name and will be incorporated into the report so as not to reveal an individual's identity. Individual responses will not be publicly posted, and names of participants to the survey will not be included in the Committee's report.*

## **Contact Form (Required)**

*Name (First and Last)*

*Email*

*Phone Number*

*Community*

## **Survey Questions**

*Please note that all survey questions are optional and you only need to answer the questions applicable or of interest to you.*

**Question 1:** *Are the functions of the Representative still required? Are they meeting the needs of children, youth, young adults and their families or caregivers? Why or why not?*

**Question 2:** *The Representative advocates on behalf of children, youth and young adults to improve their understanding of and access to designated services (defined in the Act). How is this function working? How could this function be improved or clarified? Should the scope be narrowed or expanded in terms of the Representative's advocacy function?*

**Question 3:** *The Representative monitors, reviews, audits and publicly reports on designated services (defined in the Act) for children and youth. How is this function working? How could this function be improved or clarified? Should the scope be narrowed or expanded in terms of the services that the Representative monitors, reviews, audits and reports on?*

**Question 4:** *The Representative conducts independent reviews and investigations into critical injuries or deaths of children receiving reviewable services (defined in the Act). How is this function working? How could this function be improved or clarified? Should the scope be narrowed or expanded in terms of the Representative's review investigative powers?*

Question 5: Is there any other information or input you would like to share about what is working or may be improved in the Representative for Children and Youth Act, and the roles, responsibilities and functions of the Representative?

### **Demographic Questions**

The Committee is collecting demographic information to help with the analysis of and reporting of survey responses. The information will not be linked to specific individuals and will be written so as not to reveal an individual's identity. **All questions below are optional.**

1. Please let us know a bit more about your interest in this survey. Check all that apply.

- I am a parent/caregiver for someone who is receiving/has received services from the Representative for Children and Youth.
- I am a parent/caregiver for someone who is receiving/has received provincial government services under the Representative for Children and Youth's mandate (e.g. MCFD or CLBC).
- I am currently receiving/have received services from the Representative for Children and Youth.
- I am currently receiving/have received provincial government services under the Representative for Children and Youth's mandate (e.g. MCFD or CLBC).

2. What is your age?

- Under 14 years
- 14-18 years old
- 19-26 years old
- 27 years or older
- Prefer Not to Answer

3. Do you identify as an Indigenous person, that is, First Nations, Métis or Inuit?

- Yes, First Nations
  - Yes, Métis
  - Yes, Inuit
  - No
  - Prefer Not to Answer
-

