

Criminal Charges of Caregivers

Ministry of Children's Services Designated Review Findings and Recommendations

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Alberta 

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INTRODUCTION

When a child who is receiving services is involved in an incident, Children's Services (CS) assesses what happened and what can be improved. The Internal Child Death and Serious Incident Review (ICDSIR) process uses input from a variety of sources to improve programs, policy, and practice within Child Intervention (CI) services. The ICDSIR process may include a comprehensive examination, referred to as a designated review, which publicly releases any findings and recommendations. The goal of every review is to prevent or reduce the risk of future incidents and promote better outcomes for children and families.

This designated review focused on two incidents where caregivers were charged with criminal offences regarding children in their care.

The review team gathered information and conducted an analysis of CI involvement by reviewing relevant documentation and research. The team also interviewed CI practitioners, community partners and subject matter experts. An analysis of the information gathered and review of research led to the findings and recommendations. The review team sought to understand the context of the worksites and communities, the level of service provided and the decisions made during involvement.

FINDINGS

Finding #1: In this case, there was insufficient information gathered to monitor and assess caregivers on an ongoing basis.

The placement resource assessment of the incident showed that there were significant family issues, which affected the foster children placed in the home. These issues came to light when the foster caregivers and their children were interviewed individually. While a foster family's input is required, there is no requirement for CI practitioners to meet with family members individually during the annual assessment with the foster caregivers.

Finding #2: In this case, the agency took the appropriate steps once the allegations came forward.

No findings were made regarding the operations of the group home leadership related to this incident. The group care employee was terminated, charged by police and convicted.

RECOMMENDATIONS

Recommendation: Require in policy that foster and kinship care caseworkers meet with each caregiver and their children individually to explore the marital and family relationships as part of the annual assessment.

Building trusting relationships with the caregivers and children in the caregiver home will better inform CI practitioners of the caregivers' ability and capacity to provide for children in their care. The annual assessment should address the relationship between caregivers and children, along with the dynamics in the home.

CONCLUSION

The findings and recommendations in this review support the ongoing work of CS. The ministry is committed to providing the best possible services to children and their families. These recommendations position the ministry going forward to achieve positive outcomes for children and their families.

BACKGROUND: INTERNAL CHILD DEATH AND SERIOUS INCIDENT REVIEW PROCESS

The Statutory Director called an internal review under the authority provided by section 105.771 of the *Child, Youth, and Family Enhancement Act* (CYFEA). Relevant legislative provisions are included below.

The individuals designated by the Statutory Director under section 105.771(1) commenced an ICDSIR.

The designated individuals reviewed:

- incidents giving rise to the serious injury to or death of a child that occurred while the child was receiving CI services, and
- any other incident that, in the opinion of the Statutory Director, is a serious incident and occurred in respect of a child while the child was receiving CI services.

The purpose of the ICDSIR is to identify best practices and opportunities to strengthen programs, policies and practices within CI services.

The ICDSIR process is part of the ministry's internal quality assurance processes. ICDSIR serves to:

- ensure a consistent and comprehensive examination approach following a death of a child receiving child intervention services;
- support the Government of Alberta's commitment to accountability, transparency and continuous improvement of the child intervention system;
- evaluate case information and context to make recommendations for quality improvements to child intervention services and professional practice; and
- share key policy and practice learnings with Children's Services staff and stakeholders to support the continuous improvement of the child intervention system.

CYFEA section 105.78 provides that designated individuals are not compellable as witnesses. A designated individual must not give or be compelled to give evidence in an action in respect of any matter coming to the designated individual's knowledge in the exercise of powers and the performance of duties and functions, except in a prosecution for perjury.

The comprehensive examination is a privileged internal review. The communications arising during the comprehensive examination are privileged by CYFEA section 105.79. CYFEA provides a statutory shield to protect as privileged the information gathered from staff and stakeholders during the comprehensive examination. The statutory privilege provides that anything said, any

information supplied and any record produced during the review are privileged and not admissible in evidence in an action, except in a prosecution for perjury.

The Statutory Director reports any designated review findings and recommendations to the Minister. Subject to confidentiality and privileged information, the Minister makes the designated review findings and recommendations available to the public annually in the manner the Minister considers appropriate. The Minister must take into account privacy considerations afforded under CYFEA confidentiality and privileged information provisions. These privacy considerations contribute to the Minister's determination of appropriate reporting of designated review findings and recommendations.

RELEVANT LEGISLATIVE PROVISIONS

Child, Youth and Family Enhancement Act

Part 3.1 Quality Assurance

Definitions

105.71 In this Part, [...]

(c.1) “designated individual” means an individual designated under section 105.771(1);

Review by designated individual

105.771(1) A director may, in writing, designate individuals to review

(a) incidents giving rise to the serious injury to or death of a child that occurred while the child was receiving intervention services, and

(b) any other incident that, in the opinion of the director, is a serious incident and that occurred in respect of a child while the child was receiving intervention services.

(2) A designated individual must be

(a) an individual employed in the public service of the Province, or

(b) an individual to whom the director has delegated authority under section 121(3).

(3) A designated individual must provide the director with a report of the designated individual’s findings and recommendations, if any, arising from a review under subsection (1).

Designated individual must not give evidence

105.78 A designated individual must not give or be compelled to give evidence in an action in respect of any matter coming the designated individual’s knowledge in the exercise of powers and the performance of duties and functions under this Part, except in a prosecution for perjury.

Communications privileged

105.79 The following information, records and reports are privileged and not admissible in evidence in an action, except in a prosecution for perjury:

(a) anything said, any information supplied or any record produced during a review under section 105.771(1) by a designated individual;

(b) any report referred to in section 105.771(3).

Protection from liability

105.791(1) Subject to subsection (2), no action lies or may be commenced or maintained against a designated individual in respect of anything done or omitted to be done in the exercise or intended exercise of any power under this Part or in the performance of any duty or function under this Part.

(2) Subsection (1) does not apply to a designated individual in relation to anything done or omitted to be done by the designated individual in bad faith.

Publication of statistics, findings, recommendations

105.793 Subject to sections 126 and 126.1, the Minister shall publish the following information on the Minister's department's website and shall update the information at least once a year:

[...]

(c) findings and recommendations provided to the Minister under section 105.771(5);

[...]