



**Children's Services**  
**Deputy Minister's Office**  
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Edmonton, Alberta T5K 2N2

September 25, 2019

AR 5755

Ms. Jennifer Fuchinsky  
Fatality Inquiry Coordinator  
Justice and Solicitor General  
Legal Services Division  
9th Floor, Peace Hills Trust Tower  
10011 - 109 Street  
Edmonton AB T5J 3S8

Dear Ms. Fuchinsky:

Thank you for providing a copy of Honourable Judge Joshua B. Hawkes' report regarding the public fatality inquiry into the death of 22-month-old Mackenzy Woolfsmith, who died following an injury at a privately operated day home. The death of any child is devastating, and our thoughts remain with the family and community who continue to mourn Mackenzy.

Fatality inquiries provide a valuable opportunity for an external review of tragic incidents involving Albertans. Children's Services continues to evolve to serve the needs of vulnerable Albertans and values the input from our ministry partners and stakeholders. They offer insight into how Alberta's child care system, whether licensed and approved care or privately run day homes, can be enhanced to support better outcomes for children and families.

Children's Services' response to the recommendations and our rationale are in the attached table. Thank you for the opportunity to respond. If you require anything further, please contact my office.

Sincerely,

*(original signed)*

Darlene Bouwsema  
Deputy Minister

Attachment

## Ministry of Children’s Services’ Response to the Public Fatality Inquiry – Mackenzy Jane Woolfsmith

On January 14, 2019, a Fatality Inquiry Report was released related to the death of Mackenzy Jane Woolfsmith, a toddler in the care of a private day home operator at the time of her death. The purpose of the inquiry, conducted by the Honourable Judge Joshua B. Hawkes, was to review the circumstances under which the death occurred and to share any recommendations for the prevention of similar deaths.

The death of a child is devastating for family, friends, community and others involved with the child and family. Our thoughts are with those who continue to grieve for Mackenzy.

The inquiry report makes 10 recommendations to Children’s Services.

Children’s Services’ response includes information gathered from the following sources:

- a review of existing policies, and
- a review of current ministry initiatives, practice and program directions related to issues identified in the report.

We welcome the recommendations laid out in the Fatality Inquiry Report and thank Judge Hawkes for his work.

Recommendation	Ministry Response	Actions Planned or Underway
A. The legislative framework governing the provision of child care in Alberta should be comprehensively reviewed to address and reduce risk to infants and children in all forms of child care (licensed and unlicensed).	The Ministry of Children’s Services accepts this recommendation.	Children’s Services’ priority is the safety and well-being of children and youth. As part of the legislative review prompted by the regulatory expiry date of October 2020, a focused review on reducing risk to infants and children in all forms of child care will be completed.

Recommendation	Ministry Response	Actions Planned or Underway
<p>B. A specific focus of that legislative review should be to shift the focus from solely regulating the size of unlicensed daycare to a focus on reducing risk and increasing protective factors in all forms of child care. Academic research, the experience of other jurisdictions and the tragedy in this case all illustrate and support the need for risk focused regulation of child care.</p>	<p>The Ministry of Children's Services accepts this recommendation.</p>	<p>As part of an overall legislative review, Children's Services will assess moving beyond the legislation's single-focus on the maximum number of children being cared for in a private setting. The ministry will explore additional means for reducing risk and increasing protective factors in child care settings.</p>
<p>C. Significant operational and staffing changes must accompany any legislative changes to ensure that timely and effective investigations regarding risk in all child care settings. Operational changes include adding the necessary Look-up Tool capacity to track serious incidents and the providers who are involved in such incidents</p>	<p>The Ministry of Children's Services accepts this recommendation in principle.</p>	<p>Children's Services agrees that changes are needed to support more timely and effective investigations in all types of child care settings. One focus of these improvements will be adding IT capacity so that the public, especially parents, have access to the information they need to make informed decisions about choosing safe child care settings.</p> <p>Although Children's Services agrees in principle with the recommendation for staffing changes, it is difficult to predict how any legislative and operational changes will impact staffing requirements. The ministry will ensure changes to legislation support effective investigations and tracking mechanisms. Any changes will inform the staffing requirements to support implementation.</p>

Recommendation	Ministry Response	Actions Planned or Underway
<p>D. The 2014 report of the Auditor General of Ontario regarding the inspection and review of licensed child care in that jurisdiction revealed that legislative change, while necessary, is insufficient to create an effective enforcement regime. The objective of that report was to determine if the responsible Ministry had effective management and oversight procedures to ensure effective regulation of this sector. The report noted that more than 29,000 "serious occurrences" were reported to the Ministry over a five year period from 2009-14. The Auditor General made nine specific recommendations relating to enforcement and oversight. Those recommendations should be considered, both in the current legislative framework to ensure that adequate oversight and enforcement actually occurs with licensed facilities and providers in Alberta, and in the context of examining the revised "risk focused" legislative review I have recommended</p>	<p>The Ministry of Children's Services accepts this recommendation in principle.</p>	<p>Children's Services already has in place actions to address the nine recommendations on effective management and oversight made by the Ontario Auditor General. However, the ministry will work to enhance its enforcement activities with a risk-focused lens through the avenues of legislative change, policy and procedure updates, and enhanced IT capacity.</p>
<p>E. The new enforcement culture should be a proactive, rather than a reactive, complaint driven process. Mechanisms to track</p>	<p>The Ministry of Children's Services accepts this recommendation in principle.</p>	<p>Creating a more proactive culture about safety in child care is important. Children's Services agrees in principle that child care safety should not be a purely reactive</p>

Recommendation	Ministry Response	Actions Planned or Underway
<p>ongoing investigations and to audit or review investigations are essential components of such a culture. Other elements of an effective enforcement regime are described in these recommendations from the Ombudsman Report.</p>		<p>process, driven only by complaints from the public. The ministry will support a proactive culture by strengthened efforts to engage, support, and inform parents seeking care for their children as well as the providers in all types of child care settings. This will include developing a toolkit for finding quality child care and providing general information to individuals considering setting up private child care so that they can provide parents with information to make informed decisions.</p>
<p>F. Information sharing regarding critical incidents where significant injury or the risk of significant injury occurs in a licensed or unlicensed daycare is essential. Specific investigation and information sharing protocols should be examined regarding critical incidents. In particular, the rights of parents or guardians to information regarding critical incidents should take precedence over the privacy rights or commercial interests of child care providers or workers regarding essential information in those reports.</p>	<p>The Ministry of Children's Services accepts this recommendation in principle.</p>	<p>Parents deserve to have the right information at the right time so they can make informed child care decisions. Children's Services will work to improve the investigation and information sharing procedures used when a child has been injured or there has been a risk of child injury.</p>
<p>G. All witnesses who were asked about the report form and requirements currently in place for licensed daycares in Alberta agreed</p>	<p>The Ministry of Children's Services accepts this recommendation.</p>	<p>Meaningful information about the histories of child care providers is important for parents to make well-informed decisions. Children's Services will consider methods to</p>

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<p>that they do not strike the appropriate balance between protecting the privacy of child care workers and providers and providing detailed and meaningful information to regulators, parents and guardians regarding these incidents.</p>		<p>give parents and guardians access to the information they need about providers' safety records, and that parents and providers are well equipped to understand what the information means and how to discuss safety issues with potential child care providers.</p>
<p>H. The Children First Act, (S.A. 2013, c.12.5), and its associated regulation, Disclosure of Information Regulation, (A.R. 231/2013), must be examined and revised where necessary to ensure that information regarding critical incidents can be shared and disclosed appropriately</p>	<p>The Ministry of Children's Services accepts this recommendation in principle.</p>	<p>Children's Services recognizes that it is crucial to share information effectively with our partners, such as municipalities, police services, fire departments, child intervention staff, health services, who have specific responsibilities for ensuring child care safety. As part of an overall legislative review, the ministry will address ways to improve information sharing to ensure that important information can be shared among partners and with families.</p>
<p>I. Effective enforcement also requires that the legislation provide for an appropriate range of remedial powers and sanctions, applicable to all forms of child care providers. These must include the power to immediately close unsafe daycares, issue remedial orders and monitor compliance, and to restrict or prohibit individuals from providing child care services. All of the witnesses in this inquiry agreed that the legislative authority and operational</p>	<p>The Ministry of Children's Services accepts this recommendation in principle.</p>	<p>Remedial powers and sanctions for those who put children's safety at risk are an important part of a strong child care system. The legislative review will address ways in which Children's Services can enhance child safety, reduce risk, and increase compliance with regulations within licensed child care, as well as ensure parents have the information they need to make informed choices.</p>

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<p>capacity to identify, restrict, and prohibit individuals from providing child care services was essential.</p>		
<p>J. Providing child care is demanding work that is often stressful. That stress can be amplified by the number and age of children and is also exacerbated when that care is provided in an isolated setting without other adults present for support. Tools for self-assessment, and for support should be readily available and accessible. Mandatory support and assistance should be considered for all involved in reported critical incidents</p>	<p>The Ministry of Children's Services accepts this recommendation.</p>	<p>Children's Services agrees that child care can be stressful, especially for those in isolated home-based settings. Without support, this stress can be overwhelming. The ministry will make available a toolbox of self-assessment and support tools, and explore additional methods for engaging with and supporting child care providers. The ministry will also consider mandatory support and assistance as part of the overall legislative review.</p>