

Review of the Representative for Children and Youth Act

Submission of the Representative for Children and Youth

Background

The *Representative for Children and Youth Act (RCY Act)* was passed with all-party support, receiving Royal Assent on May 18, 2006, following findings and recommendations made by the Hon. Ted Hughes, Q.C. in the *BC Children and Youth Review* (April 2006).

In November 2006, the first Representative was appointed and the *RCY Act* began to be phased in. The first operational sections of the *RCY Act* came into force on March 30, 2007 and the *RCY Act* has been fully operational since June 1, 2007. Section 30 of the *RCY Act* requires the Select Standing Committee on Children and Youth to undertake a review of the Act or portions of the Act within five years after the Representative's operational functions came into force.

The *RCY Act* was enacted to improve services for children, youth and families receiving services in three areas the Hughes Review found to be deficient following the 2001-02 core services review:

- advocacy for children and youth,
- the monitoring of government's performance in protecting and providing services for children and youth, and
- the system for reviewing child deaths, including how these reviews are addressed within the Ministry.

The Representative's mandate in each of these areas is set out in Section 6 of the *RCY Act*. Her work is described more fully in the Representative's annual reports and other public reports, available at www.rcybc.ca.

Advocacy: To address the Hughes Review finding that the limited advocacy mandate of the former Child and Youth officer was insufficient to meet the need for individual and systemic advocacy for children and their families receiving designated services, the *RCY Act* makes the Representative responsible for supporting, assisting and advising children and their families respecting designated services, including helping people to become effective self-advocates and, where appropriate, advocating on behalf of a child receiving or eligible to receive a designated service.

Monitoring: To address Hughes' finding that there was a lack of public confidence that child serving system was effectively delivering the services it is required to deliver, the *RCY Act* makes the Representative responsible 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.

Critical injury and death reviews and investigations: To address Hughes' finding that there was a lack of confidence in the ability of internal government reviews and coroners' reviews to address the fundamental child welfare issues arising when a child receiving services dies or is critically injured, the *RCY Act* makes the Representative responsible for reviewing and, where necessary, formally investigating critical injuries and deaths of children receiving reviewable services.

Credibility: The Hughes Review recognized that the Representative could not act with credibility without three fundamental characteristics of the office:

- (i) independence from the government of the day, and accountability to the Legislative Assembly rather than to the government of the day;
- (ii) a right of access to government information, and a duty to keep that information confidential except where necessary to exercise her functions or for public reporting.
- (iii) the power to propose and recommend change rather than to impose change.

Each of these characteristics has been set out in the *RCY Act*.

Select Standing Committee: An important innovation in the *RCY Act* is the role of the Select Standing Committee on Children and Youth. The Committee was designed to ensure that elected members of the Legislative Assembly would meet with the Representative on an ongoing and bi-partisan basis to gain familiarity with her office and her work. Consistent with Hughes' vision, the Standing Committee's relationship with the Representative "should be a collaborative one. It should also help to develop a greater awareness and understanding among legislators and the public of the child welfare system in our province."

The *RCY Act* makes the Select Standing Committee responsible for undertaking the five-year review. Section 30 of the *RCY Act* states that the focus of the review is: "to determine whether the functions described in section 6 are still required to ensure that the needs of children are met."