

Investigations into Contracted Agencies Frequently Asked Questions

Q1. What is a “contracted agency?”

For the purposes of this policy, a contracted agency is an organization or contracted service provider that delivers residential services (staffed residential resources or sub-contracted family care homes) in which the caregivers have an employer-employee or contractual relationship with the agency rather than the Ministry or a Delegated Aboriginal Agency (DAA).

A caregiver who has a direct contractual relationship with the Ministry or a DAA is not an agency unless the caregiver operates other places of service under contract with the Ministry and/or a DAA and/or CLBC, including staffed residential resources, sub-contracted family care homes, and Home Sharing arrangements.

Q2: Does this policy apply to respite and relief caregivers?

It depends. If a caregiver provides respite care only for children who are **not** in care under the *Child, Family and Community Service Act*, then the policy does not apply. However, if the caregiver provides relief care for **even one child in care**, the policy applies.

Respite care is defined as the provision of out-of-home care for a child overnight to provide a **parent** with whom there is a support agreement a rest from giving daily care to the child. Relief care is defined as the provision of in-home or out-of-home care overnight for a **child in care** to provide the **caregiver** periods of rest from giving daily care to the child. Care provided to a child for less than 4 hours in a 24-hour period is typically not considered to be respite or relief care, and the provider would not typically be considered a caregiver.

Some agencies use the terms “relief” and “respite” interchangeably; whether your agency calls it respite or relief, the bottom line is that the policy applies to any caregiver who provides day-to-day and/or overnight care for a **child in care**.

Q3. Why was this policy developed?

Previously, there was no policy pertaining to investigations of reports of abuse or neglect of children in care placed in residential resources owned and/or operated by contracted agencies. The policy was developed to protect children and provide consistency in practice across the province when an investigation of a contracted agency is required in response to a report of abuse or neglect of a child or youth in care.

Q4. Who oversees an investigation of a contracted agency (such as responsibility for the decision to conduct the investigation and approval of the decisions made and conclusions reached during an investigation)?

The designated director or delegate under the *Child, Family and Community Service Act* oversees the investigation. In the Ministry, the designated director or delegate is usually a Director of Operations, unless the Executive Director of Service decides otherwise. In a C6 level DAA, the designated director or delegate might be the Executive Director of the DAA, or a manager in the DAA who has been delegated as a director under the *Child, Family and Community Service Act*. There are also situations in which a designated director or delegate in the Office of the Provincial Director of Child Welfare, including the Designated Director of Delegated Aboriginal Agencies, will oversee an investigation.

Q5. Who conducts an investigation of a contracted agency?

A delegated child protection worker in either the Ministry or a C6 level DAA conducts the investigation. There is also a “response team” that includes workers who are involved in certain decisions or activities during the investigation. The response team includes:

- The delegated child protection worker;
- The resource worker with responsibility for the contract with the agency responsible for the place of service where the concerns to be investigated arose;
- The supervisors of the delegated child protection worker and resource worker;
- The subject child(ren)’s worker(s), and
- Any other person included by the director who is overseeing the investigation.

Q6. How will investigations into contracted agencies be documented?

If the decision is to investigate:

The details of the investigation will be recorded in ICM, and a summary of the investigation is also placed in the Child Service files of all affected children, the Place of Service and the service and Resource files. A template for the Summary of an Investigation in a Resource, as well as letter templates for initiation and completion of an investigation of a contracted agency will be available in the near future under the forms page on iConnect.

If the decision is not to investigate:

A Protocol Memo is converted into a Protocol Investigation Incident in ICM and coded with the outcome “no further action” prior to closing. This allows for an electronic documentation of the report and decision not to investigate to be preserved in ICM.

Q7. Does this policy address quality of care concerns in contracted resources?

This policy does not address quality of care concerns. The child’s worker and the resource worker will follow up with the agency when there are quality-of-care concerns. These concerns include possible breaches of the child’s section 70 rights under the *Child, Family and*

Community Service Act. Please see [Caregiver and Support Standard 21: Monitoring of and Liaison with Staffed Children's Residential Services](#).

Q8. What is the timeframe in which an investigation of a contracted agency must be completed?

The timeframe for completing an investigation of a contracted agency is 90 days. This timeframe is longer than the standard 30 days for child protection investigations and Family Care Home investigations because it allows for the additional time needed to ensure that the agency receives proper notification and that the agency, the caregiver who is the subject of the investigation and the children placed in the resource who are affected receive information and support throughout the process.

Q9. What are the obligations of the contracted agency?

During and after an investigation, the obligations of the contracted agency are:

- Allow the child protection worker to interview caregivers and staff employed by or under contracted with the contracted agency and to review relevant documents.
- If the residential resource is licensed under the *Community Care and Assisted Living Act* or provides care to one or more CLBC adults, notify the Medical Health Officer of the local health authority and CLBC about the investigation and the outcome of the investigation, and provide confirmation to the designated director or delegate that the Medical Health Officer and or CLBC have been notified.
- Adhere to any conditions set by the designated director or delegate to ensure the safety and wellbeing of children in care during the investigation.

Q10. What if a contracted agency is accredited?

If the contracted agency is accredited by either The Council on Accreditation (COA) or The Commission on Accreditation of Rehabilitation Facilities (CARF), the designated director or delegate will inform the Provincial Office Accreditation Team at: MCF.Accreditation@gov.bc.ca of the investigation. If it is unclear whether the agency is accredited, the Accreditation Team will confirm the agency's accreditation status by email as noted above.

Q11. Are more policies regarding contracted agencies expected in the future?

An update to the Assessment and Approval of Caregivers by Contracted Agencies policy is expected to be completed for implementation in December 2017. A policy on Monitoring of Contracted Agencies is also anticipated in 2018.