

Program Area: Quality Assurance, Ministry of Children and Family Development	Case Review Policy
Effective Date: 1 October 2015 Revision	Policy Number or Section:
Date Last Amended:	

Case Review Policy

Policy Statement:

<p>1 The Provincial Director of Child Welfare always conducts a case review when there is a fatality of:</p> <ul style="list-style-type: none"> • a child/youth in the care of the director; or • an adult up to 20 years of age, who was in the care of the director until turning 19 years of age. <p>Reportable circumstance reports are screened by the Provincial Director of Child Welfare to determine whether a case review will be conducted.</p>
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Outcomes:

<ul style="list-style-type: none"> • Case reviews are conducted to examine fatalities involving children in care, and adults up to 20 years of age, who were in the care of the director until turning 19 years of age. • Reportable circumstance reports are screened in an efficient and consistent manner across the Ministry of Children and Family Development (MCFD) and Delegated Aboriginal Agencies (DAAs).
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Standards:

<p>1.1 The Provincial Director of Child Welfare (PDCW) applies standard criteria to determine whether a case review is required.</p> <p>1.2 The rationale and outcome of the case review decision process is documented on the case review decision template.</p> <p>1.3 The decision is completed and documented within 30 days of the director learning of a fatality or critical injury.</p>

Procedures:

Notification of Fatalities, Critical Injuries and Serious Incidents

- A reportable circumstance report (RC) provides notification to the PDCW of fatalities, critical injuries and other serious incidents involving children/youth who meet the criteria in the RC policy.
- The BC Coroners Services provides notification to the PDCW in the case of adults up to 20 years of age, who were in the care of the director until turning 19 years of age.

Screen for the Case Review Decision process:

- Reportable circumstances (RC) reports are screened to determine whether or not to conduct the case review decision process.
- A case review is always conducted when there is a fatality of a child/youth in the care of the director; or an adult up to 20 years of age, who was in the care of the director until turning 19 years of age.
- Other fatalities, critical injuries or serious incidents of children/youth are screened into the case review decision process when:
 - the policy or practice relating to the service received may have significantly contributed to the fatality, critical injury or serious incident; or
 - there may be a need for public accountability.

Making the Case Review Decision

- The case review decision is based on information in:
 - the RC;
 - police reports; and
 - coroner's reports.
- Physical files are not routinely reviewed in the case review decision process.
- The case review decision can be reviewed and changed by the PDCW at any time.

Criteria to conduct a Case Review

- A case review is always conducted when there is a fatality of a child/youth in the care of the director; or an adult up to 20 years of age, who was in the care of the director until turning 19 years of age.
- For all other screened in reports the following factors are weighed:
 - the severity and nature of the incident;
 - the vulnerability of the person;
 - whether the incident occurred in a placement for which MCFD/DAA has responsibility;
 - the level of MCFD/DAA involvement with the person or their family;
 - the type of responsibility MCFD/DAA had for the person;
 - whether policy, practice or service provision contributed to the reportable circumstances;
 - whether there are opportunities for organizational learning and improvements; and
 - the need for public accountability.

Policy Statement:

- 2 Case reviews examine the facts surrounding the death, critical injury or, in some cases, serious incident to:
 - determine whether practice was consistent with relevant legislation, policy and standards;
 - determine whether policy, organizational and service delivery factors, or practice contributed to the outcome;
 - learn from the facts and circumstances of the case to improve policy, service delivery and practice; and
 - support public accountability.

Outcomes:

- Improved MCFD/ Delegated Aboriginal Agency (DAA) policy, practice and service delivery to children, youth and families.
- Increased public accountability.

Standards:

- 2.1 Terms of Reference (TOR) are developed at the beginning of the case review and approved by the Provincial Director of Child Welfare (PDCW).
- 2.2 A file review is completed within 3 months of the decision to conduct a case review.
- 2.3 A comprehensive review is completed within 8 months of the decision to conduct a case review.
- 2.4 When required, action plans are developed in collaboration with the responsible executive director of service and/or DAA executive director.
- 2.5 MCFD/DAA staff complete the actions assigned to them in an approved action plan.
- 2.6 The Provincial Director of Child Welfare monitors the implementation of any action plan.
- 2.7 Non-identifying case review information is publically released.

Procedures:

Case Review Process:

Developing the Case Review Terms of Reference (TOR)

- The TOR define the scope of the case review by specifying:
 - the reason for the case review;
 - the issues to be reviewed;
 - the time period to be reviewed; and
 - the program area(s) involved.
- The TOR are developed by the PDCW and can be revised at any stage of the case review with notification to those involved.

Notification that a Case Review will be Conducted

- The PDCW notifies the executive director of service or the executive director of the DAA, in writing, that a case review will be conducted, the type of review; and provides the TOR.
- The PDCW provides the MCFD Legal Support Section (LSS) with the completed case review decision template. Additional information is provided to the LSS as requested.
- The PDCW confirms with the LSS whether there are legal issues or litigation related to the case review and whether to contact Legal Services Branch, Ministry of Justice.

Conducting File Reviews

- File reviews include a review of all relevant physical and electronic file(s); relevant reports from other agencies (e.g. coroner and police); relevant legislation and policies.
- The file review report documents the following:
 - a summary of the background information;
 - an analysis of the critical assessments, decisions and actions;
 - the findings;
 - actions taken to date; and,
 - if required, the action plan.

Proceeding to a Comprehensive Review

- The PDCW may conduct a comprehensive review for any reason, including the following:
 - It is apparent at any stage of the case review process, that there is insufficient information on the physical file to satisfy the TOR; or
 - The need for public accountability can only be satisfied by interviewing individuals involved.

Conducting Comprehensive Reviews

- Comprehensive reviews include a review of all relevant physical and electronic file(s); relevant reports from other agencies (e.g. coroner and police); relevant legislation and policies; and interviews of any individual necessary to satisfy the TOR.
- A notification meeting is held with MCFD or DAA staff to inform those involved of the review, TOR and process for conducting the review.
- Interviews are conducted with only the people required to satisfy the TOR or to address any outstanding gaps in information.
- When members of the BCGEU are interviewed, the *Protocol Agreement Between the Ministry of Children and Family Development and the British Columbia Government and Service Employees Union for Comprehensive Case Reviews* (May 2015) and/or other relevant protocols or agreements are followed.
- The comprehensive review report documents the following:
 - a summary of the background information;
 - an analysis of the critical assessments, decisions and actions;
 - the findings;
 - actions taken to date; and,
 - if required, an action plan.

Distributing a draft report for Administrative Fairness

- Case review report drafts are completed up to and including the findings section.
- The PDCW sends draft case review reports to the executive director of service/DAA executive director to identify additional information that should be considered before finalizing the report, and actions that may have been taken to address the findings in a report.
- Any errors, omissions or additional considerations are provided to the PDCW within 10 days of the executive director of service/DAA executive director receiving an administrative fairness draft.
- The PDCW reviews any additional information provided during the administrative fairness process and amends the report if required.

Developing an Action plan

- An action plan is developed in collaboration with the executive director of service/ DAA executive director to address the findings of a case review.

Concluding a Case Review

- A case review is complete when the case review report is approved and signed by:
 - the Deputy Director of Child Welfare for file reviews; or
 - the designated Provincial Director of Child Welfare for comprehensive reviews.

Distributing the Report

- Case review reports are provided to:
 - the executive director of service/DAA executive director;
 - the Representative of Children and Youth(RCY); and
 - the Public Guardian and Trustee (PGT) for reviews concerning a child/youth when the PGT is the property guardian, and:
 - The director has continuing custody of a child [*CFCSA* s. 41(1)(d) or s. 49];
 - The director is guardian of a child who has been relinquished for adoption (*Adoption Act* s. 24);
 - The director has temporary custody and an order making the PGT the temporary property guardian of a child (*CFCSA* s. 58); or
 - The director and the PGT are both guardians of a child (*Infants Act* s.51).
- Case review reports are placed on the parent's and the child's electronic and physical files.
- The executive director of service/DAA executive director shares the review with the involved staff.
- An executive summary of all case review reports, with all identifying information removed, is publically posted.