

Policy: Investigations of Contracted Agencies

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Policy Statement: Investigations of Contracted Agencies

A report of abuse, neglect or emotional harm to a child in care residing in, or receiving relief care in, a residential resource of a contracted agency established under the *Child, Family and Community Service Act (CFCSA)*, is assessed and, if required, investigated by a fully delegated child protection worker.

Note: A report of harm to youth living in a Youth Justice residential program is addressed by the Office of the Provincial Director of Youth Justice.

Outcomes

- Children living in a residential resource of a contracted agency have their safety and well-being protected.
- Investigations are completed in a fair and timely manner.
- Investigation findings are communicated in a timely manner to the all involved parties.

Standards

1. Within 24 hours of receiving a report about abuse, neglect or emotional harm of a child in the care of a contracted agency, a designated director or delegate assesses the report to determine whether an investigation is required.
2. A delegated child protection worker starts the investigation immediately if the child or youth appears to be in a life-threatening or dangerous situation, and within 5 days of receiving the report in all other circumstances.
3. A delegated child protection worker completes the investigation within 90 days of receiving the report. If an extension is needed, the designated director or delegate provides approval and the contracted service provider is notified of the need to extend the timeframe.
4. Within 15 days of completion of the investigation, the designated director or delegate ensures that the executive director of the agency receives a summary of the investigation findings and a letter outlining decisions.

Procedures

Designated Director or Delegate

- When a report of abuse, neglect or emotional harm of a child in care who resides in a contracted agency is received by the Ministry of Children and Family Development (MCFD) or a fully delegated (C-6) Delegated Aboriginal Agency (DAA), the designated director or delegate is notified.
- Determining which designated director or delegate is responsible for overseeing the investigation is based on the following considerations:
 - The designated director in the Service Delivery Area (SDA) (or delegate) is responsible when:
 - The place of service under investigation is located in the SDA, and
 - The subject child is under the responsibility of MCFD or the responsibility of a DAA without C6 delegation.
 - The designated director for DAAs (or delegate) is responsible when:
 - The place of service under investigation is located within the geographical service area served by the C6 DAA; and
 - The subject child is under the responsibility of the C6 DAA.
 - When the subject child is under the responsibility of a DAA without C6 delegation, the designated director of the SDA and the designated director for DAAs consult with each other to determine who will oversee the investigation.
- The Provincial Director of Child Welfare (or delegate) is responsible when:
 - The investigation involves places of service in more than one SDA and/or DAA; or,
 - Oversight by Provincial Director of Child Welfare is requested by a designated director in a SDA.

Response Team

- The response team is established by and accountable to the designated director or delegate responsible for the investigation. The response team is comprised of:
 - A delegated child protection worker who has been assigned responsibility for carrying out the investigation of the contracted agency (this person may be in a dedicated position for undertaking caregiver investigations or in an office with responsibility for addressing child protection concerns in the catchment area where the place of service under investigation is located);

- The resource worker with responsibility for the contract file 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 personnel included by the designated director or delegate.

Assessment and Decision Whether to Investigate

- The designated director or delegate assesses the report regarding alleged abuse, neglect or emotional harm of a child in care and decides whether or not to conduct an investigation within 24 hours of receiving the report. This assessment includes a review of:
 - The contracted agency's past history with regards to previous concerns in the involved residential resource, as well as concerns about other residential resources under the same contracted agency (in case a broader investigation of the entire contracted agency may be required);
 - An initial record review of the specific caregiver(s) allegedly involved in the abuse, neglect or emotional harm to the child, regarding any past child protection involvement with the specific caregiver(s) in their role as a parent.
- An investigation of a caregiver in a contracted agency is required if the designated director or delegate determines that the reported concerns pertain to one of the following concerns:
 - Caregiver not protecting the child from harm;
 - Emotional harm by caregiver;
 - Emotional harm/domestic violence;
 - Neglect with Physical harm/likelihood;
 - Physical harm/likelihood; or
 - Sexual abuse/exploitation.
- Using ICM Memo type "Protocol Investigation", a member of the response team documents the decision about whether or not to investigate, along with the name of the designated director or delegate who made the decision.

If the decision is not to investigate:

- The designated director or delegate takes the following actions:
 - Within five days of making the decision, advises the executive director of the agency and the response team of the decision in writing; and

- Assesses the information in the report to determine whether there are any concern(s) regarding the care of the child in the contracted residential resource that requires a non-investigative response.
- The Protocol Memo is closed under “No Further Action” (NFA) as a record of a report that is not investigated. The Protocol Memo can be related to existing open Protocol Incidents, in the event that more than one report is received about the same circumstances.

If the decision is to investigate:

- As soon as possible and within five days following a decision to conduct an investigation, the designated director or delegate of the investigation notifies the executive director of the agency in writing of:
- The information included in the report, except any information that would likely reveal the identity of the individual who has made a report or that could reasonably be expected to jeopardize a child protection investigation or criminal investigation;
 - The decision to conduct an investigation;
 - The investigation process and expectations of contracted residential resource staff during the investigation;
 - Any immediate actions to be taken to protect the child(ren) living in the contracted residential resource;
 - Whether the police and/or the PGT may be involved and that the PGT may request more information about the outcome of the investigation; and
 - The plan for the delegated child protection worker to provide written updates to the executive director of the agency and the response team every 14 days.
- The designated director or delegate undertakes the following actions:
- Ensures the delegated child protection worker receives information relevant for conducting the investigation, such as the nature of the allegation and any relevant history;
 - Ensures that the worker for each child in the contracted residential resource completes a Reportable Circumstance Report as per [Reportable Circumstance Policy and Practice Guidelines](#) – this automatically notifies the Public Guardian and Trustee (PGT) where the PGT is the property guardian of the child/youth;
 - Determines whether the parents of the child, the parents of other children in the contracted residential resource and, if the child is Aboriginal, the designated representative of the child’s Aboriginal community is required to be informed of the allegation, consistent with the Practice Guidelines for the Reportable Circumstances Policy; and

- Ensures the relevant band protocol is followed, if applicable (see Policy 3.1); and
 - Ensures that the Community Living British Columbia (CLBC) team, if there are CLBC adults in the contracted residential resource and safety concerns, is informed about the allegation and the decision to investigate, pursuant to s. 79(a.1) of the *CFCSA*.
- The designated director or delegate decides:
- Whether any actions are needed to protect the safety and well-being of any children living in the contracted residential resource, as well as a specific caregiver’s own children, if applicable, during the course of the investigation (note: a decision may be made to open a separate investigation under s. 16(2)(c) of the *CFCSA* if it is necessary to investigate if the caregiver’s own children are in need of protection);
 - Whether the contracted residential resource will continue to provide care for the child in care during the investigation process; and
 - Whether the police need to be informed of the allegation – with police involvement necessary where allegations involve:
 - The child having been physically harmed as a result of abuse or neglect and the circumstances fall within the mandate of the police to investigate;
 - The child having been sexually abused or sexually exploited; or
 - A criminal act having occurred that affects the immediate safety of the child or other individual;
 - Who will be interviewed and the sequence of interviews during the investigation process;
 - What investigative steps are required (i.e. collaterals, medicals);
 - Whether future meetings with the response team are needed for updating or planning purposes.
- The “Protocol Memo” is converted to a “Protocol Investigation Incident” to record in ICM further details of decisions and actions in the investigation process.

If Facility is Licensed, Provides Care to CLBC Adults or is Accredited

- If the residential resource of the contracted agency is a licensed facility under the *Community Care Assisted Living Act (CCALA)*, the designated director or delegate responsible for the investigation notifies the executive director of the agency of the expectation that the contracted agency inform the Medical Health Officer of the local Health Authority about:
 - The commencement of the investigation; and

- The outcome of the investigation.
- If the residential resource of the contracted agency provides care to one or more CLBC adults, the designated director or delegate responsible for the investigation notifies the executive director of the agency of the expectation that the contracted agency inform CLBC about:
 - The commencement of the investigation and
 - The outcome of the investigation.
- If the contracted agency is accredited under either The Council on Accreditation (COA) or The Commission on Accreditation of Rehabilitation Facilities (CARF), the designated director or delegate of the investigation informs the Provincial Office Accreditation Program at: MCF.Accreditation@gov.bc.ca of the investigation. Note: if it is unclear whether or not the contracted agency is accredited, the Provincial Office Accreditation Program can confirm the accreditation status of the contracted agency.

Information and Support for the Executive Director of the Agency

- The delegated child protection worker:
 - Ensures the executive director of the agency has access to a copy of this policy; and
 - If children are moved during the investigation, or if children remain in the same resource on condition of no contact with a specific caregiver, provides the executive director of the agency with a clear written explanation of the reason.
- If a bed in a contracted resource is empty during the investigation because a child has been moved pending the outcome the investigation, financial compensation (as per the contract) remains until the executive director of the agency has been informed (in person or by registered mail) of the director's decision regarding the future use of the contracted resource – whichever date is earlier.
- In instances where concerns of abuse, neglect or emotional harm relate to an executive director of the agency, rather than a specific caregiver, any references in this policy to individual caregivers also apply to the executive director of the agency.

Information and Support for the Caregiver who is the Subject of an Investigation

Support for a caregiver who is the subject of an investigation is provided by the contracted agency, consistent with its own policies and procedures.

Information and Support for Children in Care

- The child's worker provides contact and support to the child throughout the investigation process in a timely manner, according to the child's age and stage of development, including:
 - Informing them about the investigation process and how to access the Representative for Children and Youth, the Ombudsperson, and other relevant support;
 - Informing them about the right to have support from the designated representative of their Aboriginal community;
 - Keeping the child's parents and, if the child is Aboriginal, the designated representative of the child's Aboriginal community, informed of the progress of the investigation;
 - Preparing them as much as possible for a change in placement or caregiver if one is required; and
 - Following a change in placement or caregiver, discussing with the child the reason for the move, their feelings about the move and new living situation, whether or not the child will return to the original contracted residential resource, and whether the original caregiver will return, as applicable.

Conducting the Investigation

- The delegated child protection worker starts the investigation immediately if the child or youth appears to be in a life-threatening or dangerous situation, and within five days of receiving the report in all other circumstances.
- Steps in conducting an investigation include:
 - Assessing whether the child is safe with their caregiver in their current placement;
 - Reviewing all the relevant information (e.g. child service files, resource files) regarding the contracted residential resource and the child in care living in the resource;
 - Interviewing the child who is the subject of the report;
 - Interviewing other children as necessary;
 - Interviewing the non-offending caregiver(s) (if applicable);
 - Interviewing the alleged offending caregivers (determined in consultation with police, if involved);
 - Interviewing collaterals, as determined by the response team members (this may include gathering criminal record information from police);
 - Arranging for a medical examination of the child if it is required by the child's circumstances (e.g. if the child has been physically harmed or sexually

abused, or if the child has a medical condition that needs treatment), with the consent of the child for the medical examination if the child has the capacity to consent to medical treatment.

- Throughout the investigation process, if children continue to be cared for by the caregiver who is under investigation, the child protection worker develops and documents a safety plan (with necessary members of the response team) that is approved by the designated director or delegate and agreed to by the executive director of the agency.
- If, during the investigation, information arises that suggests that a child may be unsafe in a residential resource of a contracted agency, the designated director or delegate may require conditions, including but not limited to:
 - Barring a caregiver from having further contact with children in care, either temporarily or on an ongoing basis;
 - Placing a moratorium on the contracted agency regarding further placements of children into the care of the contracted agency; or
 - Requiring any additional caregivers hired by the agency to be approved by the designated director or delegate.
- The delegated child protection worker completes the investigation within 90 days of receiving the report, unless doing so compromises the quality and thoroughness of the investigation. If an extension is needed, the designated director or delegate of the investigation provides approval and the executive director of the agency is notified of the need to extend the timeframe.

Obligations of the Contracted Agency

- During an investigation and upon the conclusion of the investigation, the obligations of the contracted agency include:
 - To facilitate the investigative process by allowing, upon the child protection worker's request, the child protection worker to interview caregivers and staff employed by or under contract 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, to inform, as applicable, the Medical Health Officer of the local Health Authority or CLBC about:
 - The commencement of the investigation (providing a copy of the letter from the designated director about the initiation of an investigation); and

- The outcome of the investigation (providing a copy of the summary of the investigation and covering letter received from the designated director or delegate at the conclusion of the investigation).
- To provide evidence to the designated director or delegate that the contracted agency has informed, as applicable, the Medical Health Officer or CLBC as described above.
- To adhere to any conditions set by the designated director or delegate to ensure the safety or wellbeing of children in care during an investigation.

Outcome of the Investigation

- A decision is made by the designated director or delegate about the continued use of the contracted residential resource, based on an assessment of the information gathered from the investigation, information provided by the members of the response team, and an assessment of the likelihood of future abuse or neglect.
- If a decision is made to continue using the contracted residential resource, the designated director or delegate and the response team document a plan with the executive director of the agency to identify any action(s) needed to protect the safety and well-being of children living in the resource. This may include determining what additional supports, services or training, if any, might be helpful for the caregiver who was the subject of the investigation.
- Using the ICM Incident type “Protocol Investigation” – Protocol Type “Contracted Agency”, the delegated child protection worker prepares a detailed investigation report on ICM, as well as a “Summary of the Investigation” and submits them to the designated director or delegate for sign-off.

Reporting the Investigation Results

- As soon as possible, the designated director or delegate and selected members of the response team contact the contracted service provider to:
 - Discuss the investigation, the outcome of the investigation, and any actions taken;
 - If abuse, neglect or emotional harm has occurred, develop a plan of action for the child/youth’s future care either in the same contracted residential resource or in another placement;
 - Discuss any unresolved issues and the need for additional supports, services, staffing or training, including supports for when a resource is being closed;
 - Advise the executive director of the agency of the next steps regarding the contracted residential resource;

- Advise the executive director of the agency that they will receive a letter from the designated director or delegate of the investigation that includes a written summary of the investigation and the findings.
- Within 15 days of the completion of the investigation, the designated director or delegate provides the executive director of the agency a copy of the written investigation summary with a covering letter, informing them of:
 - The investigation findings;
 - The decision about any action needed regarding the safety and well-being of the child in the contracted residential resource and reasons for the decision;
 - The decision about the director’s continued use of the contracted residential resource or the caregiver;
 - Other individual(s) who will be notified of the investigation outcome (note that the reporter’s identity is confidential).
 - There is no review process within MCFD or DAAs regarding the process or outcome of an investigation of a contracted agency. If a contracted agency has concerns about the process or outcome of an investigation, the agency can raise its concerns with the designated director.

Documentation

- Detailed recording of the investigation, decisions and outcome are recorded by the child protection worker in ICM Incident type “Protocol Investigation” – Protocol Type “Contracted Agency”
- Copies of the investigation summary are placed on:
 - The Child Service files of all affected children in care;
 - The Place of Service file and the Resource file.
- Letters of notification to the executive director of the agency are placed on the Resource file.