

Reportable Circumstances Policy

Last Revised June 2018

Adoption, Quality Assurance and Policy Innovation



Reportable Circumstances

Reportable Circumstances Policy	
Policy 1: Fatalities	
Effective Date of Policy: June 1, 2015	Amendment Date of Policy: June 26, 2018

Policy Statement

1. A **fatality** of a child or youth, who has received or whose family has received a Ministry of Children and Family Development/Delegated Aboriginal Agency (MCFD/DAA)-provided reviewable service within the preceding 12 months, is reported to the Provincial Director of Child Welfare, the appropriate provincial director(s), the Representative for Children and Youth (RCY), and where applicable to the Public Guardian and Trustee (PGT), within 24 hours of MCFD and/or DAA having been informed of the fatality.

Outcomes

- Fatalities are reported in a timely manner, consistent with existing legislative requirements.
- Where applicable, the PGT is provided the necessary information to exercise their responsibilities.
- Affected children, youth, families and/or staff are offered support.
- Service delivery issues related to these fatalities are identified and addressed.

Standards

- 1.1 If a fatality occurs of a child or youth who has received or **whose family** has received an MCFD/DAA-provided reviewable service within the preceding 12 months, a reportable circumstance report is completed and provided to the Provincial Director of Child Welfare, the appropriate provincial director(s) and the RCY within 24 hours of MCFD and/or DAA having been informed of the fatality.
- 1.2 If a fatality occurs of an Indigenous child or youth who has received or **whose family** has received a DAA-provided reviewable service within the preceding 12 months, the reportable circumstance report is provided to the delegate of the director in DAA, within 24 hours of MCFD and/or DAA having been informed of the fatality.
- 1.3 If a fatality occurs of a child or youth when the director is the guardian and the PGT is the property guardian of the child or youth (as outlined in procedures) the reportable circumstance report is provided to the PGT within 24 hours of MCFD and/or DAA having been informed of the fatality.
- 1.4 If a fatality occurs of a person aged 19 or over who was receiving Youth Justice services at the time of the fatality, a reportable circumstance report is completed and provided to the appropriate Provincial Director within 24 hours of MCFD and/or DAA having been informed of the fatality.

Procedures

Reviewable Services

MCFD/DAA-provided reviewable services are:

- Services or programs under the *Child, Family and Community Service Act* (CFCSA) and the *Youth Justice Act*;
- Mental health services for children;
- Addiction services for children; and
- Additional designated services that are prescribed under section 29 (2) (b):
 - Services or programs under the *Youth Criminal Justice Act* (Canada);
 - The child in the home of a relative program, respecting which income assistance is provided under section 6 of the Employment and Assistance Regulation.

Responding to a Fatality

A fatality reportable circumstance (RC) report must be completed and submitted when:

- A child or youth who has received an MCFD/DAA-provided reviewable service within the previous 12 months has died.
- When a child or youth whose family has received an MCFD/DAA-provided reviewable service within the previous 12 months has died.

Who Creates/Sends the Fatality Reportable Circumstance Report

The Delegated Aboriginal Agency or MCFD practitioner who first learns of the fatality is the practitioner responsible for:

- Ensuring that the RC report template is completed; and
- Sending the RC report to the appropriate distribution list.

When a DAA is or has been involved within the previous 12 months, the notification goes to the delegate of the director in that DAA.

Direction

The Provincial Director of Child Welfare and other designated directors can require that a fatality RC report be created.

Completing the Fatality Reportable Circumstance Report

To complete the RC report, the practitioner responsible:

- Alerts the supervisor;
- Notifies by email all other involved MCFD and/or DAA program areas of the fatality and requests their input on the case facts and the plan for response;
- Completes the RC report template; and
- Receives supervisor approval to send the fatality RC report.

Sending the Fatality Reportable Circumstance Report

To send the RC report, the practitioner responsible emails the report to the appropriate distribution list.

The report is submitted within 24 hours, even if other program areas have not yet responded to requests for additional information.

Submitting a Report to the PGT

The PGT receives only those reports regarding a child or youth for whom the PGT is the property guardian, as follows:

- 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);
- The director and the PGT are both guardians of a child (*Infants Act* s.51).

Supervision and Supports

After the practitioner responsible alerts the supervisor to the fatality, the supervisor identifies whether immediate supports are needed for affected families and/or staff.

- The supervisor approves the completed fatality RC report prior to its distribution.
- The Executive Director of Service or Executive Director of a Delegated Aboriginal Agency considers which supports, including financial, they will provide to the family, as detailed in the *Death of a Child in Care, in an Out of Care Placement Guideline or in an MCFD Financially Supported Placement*.

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Fatality Reportable Circumstance Quality Assurance

The practice analyst for quality assurance:

- Reviews all fatality RC reports;
- Responds to practitioner, supervisor, provincial director and other inquiries;
- Forwards any concerns to the appropriate quality assurance supervisor;
- Screens all fatality RC reports to decide whether a Case Review should be considered (please refer to the Case Review Decision Process);
- Documents and sends the screening recommendation to the appropriate quality assurance supervisor.

Closing the Reportable Circumstance Report

- The practice analyst responsible for quality assurance closes the fatality RC report within 10 working days.

Reportable Circumstances

Reportable Circumstances Policy	
Policy 2: Critical Injuries	
Effective Date of Policy: June 1, 2015	Amendment Date of Policy: June 26, 2018

Policy Statement

2. A **critical injury** of a child or youth who has received or **whose family** has received an MCFD/DAA-provided reviewable service within the preceding 12 months is reported to the Provincial Director of Child Welfare, the appropriate provincial director(s), the RCY and where applicable to the PGT, within 24 hours of MCFD and/or DAA having been informed of the injury.

Outcomes

- Critical injuries are reported in a timely manner, consistent with existing legislative requirements.
- Where applicable, the PGT is provided the necessary information to exercise their responsibilities.
- Affected children, youth, families and/or staff are offered support.
- Service delivery issues related to these critical injuries are identified and addressed.

Standards

- 2.1** If a critical injury occurs of a child or youth who has received or whose family has received an MCFD/DAA-provided reviewable service within the preceding 12 months, a reportable circumstance report is completed and provided to the Provincial Director of Child Welfare, the appropriate provincial director(s) and the RCY within 24 hours of MCFD and/or DAA having been informed of the critical injury.
- 2.2** If a critical injury occurs of an Indigenous child or youth who has received or whose family has received a DAA-provided reviewable service within the preceding 12 months, the reportable circumstance report is provided to the delegate of the director in that DAA, within 24 hours of MCFD and/or DAA having been informed of the critical injury.
- 2.3** If a critical injury occurs of a child or youth when the director is the guardian and the PGT is the property guardian of the child or youth (as outlined in procedures) a reportable circumstance report is completed and provided to the PGT within 24 hours of MCFD and/or DAA having been informed of the critical injury.

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2.4 If a critical injury occurs of a person aged 19 or over who was receiving Youth Justice services at the time of the injury, a reportable circumstance report is completed and provided to the appropriate Provincial Director within 24 hours of MCFD and/or DAA having been informed of the critical injury.

Procedures

Reviewable Services

MCFD/DAA-provided reviewable services are:

- Services or programs under the *Child, Family and Community Service Act* and the *Youth Justice Act*;
- Mental health services for children;
- Addiction services for children; and,
- Additional designated services that are prescribed under section 29 (2) (b):
- Services or programs under the *Youth Criminal Justice Act* (Canada);
- The child in the home of a relative program, respecting which income assistance is provided under section 6 of the Employment and Assistance Regulation.

Critical Injury Definition

A critical injury is an injury to a child or youth that has resulted in or which may in the future result in a serious impairment of the child or youth's health.

A serious impairment has occurred when a child or youth:

- Is unable to carry out their usual day-to-day activities on an ongoing basis, or,
- Requires considerable ongoing support to carry out their usual day-to-day activities.

The impairment may be physical and/or emotional in nature.

Reasonable Judgement

Reasonable judgement is used to determine whether a serious impairment has occurred or will occur in the future.

A medical or psychological assessment is not required to make a reportable circumstance report.

Responding to a Critical Injury Reportable Circumstance Report

A critical injury reportable circumstance (RC) report must be completed and submitted when:

- A child or youth who has received an MCFD/DAA-provided reviewable service within the previous 12 months has received a critical injury.
- When a child or youth **whose family** has received an MCFD/DAA-provided reviewable service within the previous 12 months has received a critical injury.

Who Creates/Sends the Critical Injury Reportable Circumstance Report

The practitioner who first learns of the critical injury is the practitioner responsible for:

- Ensuring that the RC report template is completed;
- Sending the RC to the appropriate distribution list.

When a DAA is or has been involved within the previous 12 months, the notification goes to the delegate of the director in that DAA.

Direction

The Provincial Director of Child Welfare and appropriate provincial directors can require that a critical injury RC report be created.

Completing the Critical Injury Reportable Circumstance Report

To complete the critical injury RC report, the practitioner responsible:

- Alerts the supervisor;
- Notifies by email all other involved MCFD and/or DAA program areas of the critical injury and requests their input on the case facts and the plan for response;
- Completes the RC report template; and
- Receives supervisor approval to send the critical injury RC report.

Sending the Critical Injury Reportable Circumstance Report

To send the RC report, the practitioner responsible emails the report to the appropriate distribution list.

The report is submitted within 24 hours, even if other program areas have not yet responded to requests for additional information.

Submitting a Report to the PGT

The PGT receives only those reports regarding a child or youth for whom the PGT is the property guardian, as follows:

- 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);
- The director and the PGT are both guardians of a child (*Infants Act* s.51).

Supervision

After the practitioner responsible alerts the supervisor to the critical injury, the supervisor identifies whether immediate supports are needed for affected families and/or staff.

The supervisor approves the completed critical injury RC report prior to its distribution.

Critical Injury Reportable Circumstance Quality Assurance

The practice analyst for quality assurance:

- Reviews all critical injury RC reports;
- Responds to practitioner, supervisor, provincial director and other inquiries;
- Forwards any concerns to the appropriate quality assurance supervisor;
- Screens all critical injury RC reports to decide whether a Case Review should be considered (please refer to the Case Review Decision Process);
- Documents and sends the screening recommendation to the appropriate quality assurance supervisor.

Closing the Critical Injury Reportable Circumstance Report

The practice analyst responsible for quality assurance closes the critical injury RC report within 10 working days.

Reportable Circumstances

Reportable Circumstances Policy	
Policy 3: Serious Incidents	
Effective Date of Policy: June 1, 2015	Amendment Date of Policy: June 26, 2018

Policy Statement

- 3. A serious incident** is reported to the Provincial Director of Child Welfare, the appropriate provincial director(s), RCY and where applicable to the PGT within 24 hours of MCFD and/or DAA having been informed of a serious incident involving a child or youth who is receiving a reviewable service and:
- Is in care under the CFCSA;
 - Is in care under the *Adoption Act*;
 - Is in an out-of-care placement including respite care under the CFCSA s. 5(2)(d); s. 8; s. 35(2); or s. 41(1) ;
 - Is under a Youth Agreement under the CFSCA s. 12.2; and/or,
 - Is under the guardianship of the director and the PGT, as outlined in procedures.

Outcomes

- Serious incidents are reported in a timely manner to the Provincial Director of Child Welfare, appropriate provincial director(s) and RCY.
- Where applicable, the PGT is provided the necessary information to exercise their responsibilities.
- Affected children, youth, families and/or staff are offered support.
- Service delivery issues related to these serious incidents are identified and addressed.

Standards

- 3.1** If a serious incident occurs involving a child or youth who meets the criteria in policy, a reportable circumstance report is completed and provided to the to the Provincial Director of Child Welfare, appropriate provincial director(s), the RCY and where applicable to the PGT within 24 hours of MCFD and/or DAA having been informed of the serious incident.
- 3.2** If a serious incident occurs involving an Indigenous child or youth who meets the criteria in policy, the delegate of the director in that DAA is informed within 24 hours of MCFD and/or DAA having been informed of the serious incident.

Procedures

Reviewable Services

MCFD/DAA-provided reviewable services are:

- Services or programs under the *Child, Family and Community Service Act* and the *Youth Justice Act*;
- Mental health services for children;
- Addiction services for children; and,
- Additional designated services that are prescribed under section 29 (2) (b):
 - Services or programs under the *Youth Criminal Justice Act* (Canada);
 - The child in the home of a relative program, respecting which income assistance is provided under section 6 of the Employment and Assistance Regulation.

Serious Incident Definition

A serious incident occurs when the child or youth is:

- Lost or missing (age and developmental considerations are key);
- Witness to, or otherwise involved in, another person's critical injury or death;
- Diagnosed with a life-threatening illness;
- The subject of a report of abuse or neglect by a caregiver or in a care facility;
- Involved in high risk behaviour; and,

For a child or youth for whom the PGT is the property guardian and for whom MCFD or a DAA is also the guardian, the following are also reported to the PGT:

- Any motor vehicle accident involving the child or youth;
- Any event which may mean that the child or youth could be sued; charged with an offense; and/or entitled to compensation for a loss or an injury, either physical or emotional; and/or
- Involved in other circumstances of a similar, serious nature.

Reasonable Judgement

Reasonable judgement is used to determine whether a serious incident has occurred.

An event not included in procedures may, through supervisor approval, be appropriately reported as a serious incident.

Who Creates/Sends the Serious Incident Reportable Circumstance Report

The practitioner who first learns of the serious incident is the practitioner responsible for:

- Ensuring that the RC report template is completed;
- Sending the RC report to the appropriate distribution list.

When a DAA is or has been involved within the previous 12 months, the notification goes to the delegate of the director in that DAA.

Direction

The Provincial Director of Child Welfare and appropriate provincial directors can require that a serious incident RC report be created.

Completing the Serious Incident Reportable Circumstance Report

To complete the serious incident RC report, the practitioner responsible:

- Alerts the supervisor;
- Notifies by email all other involved MCFD and/or DAA program areas of the serious incident and requests their input on the case facts and the plan for response;
- Completes the RC report template; and
- Receives supervisor approval to send the serious incident RC report.

Sending the Serious Incident Reportable Circumstance Report

To send the RC report, the practitioner responsible emails the report to the appropriate distribution list.

The report is submitted within 24 hours, even if other program areas have not yet responded to requests for additional information.

Submitting a Report to the PGT

The PGT receives only those reports regarding a child or youth for whom the PGT is the property guardian, as follows:

- 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);
- The director and the PGT are both guardians of a child (*Infants Act* s. 51).

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Supervision

After the practitioner responsible alerts the supervisor to the serious incident, the supervisor identifies whether immediate supports are needed for affected families and/or staff.

The supervisor approves the completed serious incident RC report prior to its distribution.

Serious Incident Reportable Circumstance Quality Assurance

The practice analyst for quality assurance:

- Reviews all serious incident RC reports;
- Responds to practitioner, supervisor, provincial director and other inquiries;
- Forwards any concerns to the appropriate quality assurance supervisor;
- In exceptional circumstances, documents and sends a screening recommendation to the appropriate quality assurance supervisor.

Closing the Serious Incident Reportable Circumstance Report

The practice analyst responsible for quality assurance closes the serious incident RC report within 10 working days.

References (Relevant legislation, other policies, standards, literature)

Legislation Applicable to all Program Areas:

Freedom of Information and Privacy Protection Act

Representative for Children and Youth Act

Public Guardian and Trustee Act

Legislation and Selected Regulations Applicable to Specific Program Areas:

**Child Welfare; Child/Youth Special Needs; Child/Youth Mental Health; Adoptions-
*Child, Family, and Community Service Act***

Child, Family, and Community Service Regulations

Adoption Act

Death of a Child in Care, in an Out of Care Placement or in an MCFD Financially
Supported Placement Practice Guideline

Aboriginal Services

Aboriginal Operational Practice Standards and Indicators

Youth Justice

Youth Justice Act

Youth Criminal Justice Act

Youth Custody Regulation