

## Proposed Policy Guideline Change

### Respite Investigation Policy

June 27, 2022

#### Change Description

A policy change is being proposed, to create a provincially consistent way of investigating allegations of harm against children who are not in the director’s care and are receiving respite services under a Support Service Agreement.

Under the proposed change, the policies that are currently used to investigate allegations of harm against children in care who are receiving these services would also be used for allegations involving children who are not in care. This will guide workers who complete these investigations, with the goal of ensuring high quality, safe respite services across province.

#### Proposed changes to the Resource Work Policies (changes in grey)

Current Policy	Proposed Policy
<p>Introduction</p> <p>The policies provide the mandatory framework for those delegated to provide services under the <i>Child, Family and Community Service Act</i> (CFCSA) to caregivers, including those who provide relief care. The policies do not apply to the support of persons caring for children under a section 8 agreement (Extended Family Program (EFP) Agreement or court orders granting custody to a person other than a parent under the director’s supervision.</p>	<p>Introduction</p> <p>The policies provide the mandatory framework for those delegated to provide services under the <i>Child, Family and Community Service Act</i> (CFCSA) to caregivers, including those who provide respite (under s.5) and relief care. The policies do not apply to the support of persons caring for children under a section 8 agreement (Extended Family Program (EFP) Agreement or court orders granting custody to a person other than a parent under the director’s supervision.</p>
<p><b>Policy 8.20: Family Care Home Investigations</b></p> <p><b>Policy Statement</b></p> <p>An allegation regarding abuse, neglect or emotional harm of a child in care living in a family care home under s.93(1)(d) of the <i>Child Family and Community Service Act</i> (CFCSA) or a child is assessed and receives an appropriate response.</p>	<p><b>Policy 8.20: Family Care Home Investigations</b></p> <p><b>Policy Statement</b></p> <p>An allegation regarding abuse, neglect or emotional harm of a child in care living in a family care home under s.93(1)(d) of the <i>Child Family and Community Service Act</i> (CFCSA) or a child who is receiving respite care under s.5 from an approved foster caregiver, is assessed and receives an appropriate response.</p>
<p><b>Procedures</b></p> <p><b>Coordination</b></p> <p>➤ When a report of abuse, neglect or emotional harm of a child in care who resides in a family care home is received by a Ministry of Children and Family Development (MCFD) office or a fully delegated (C-6) Delegated Aboriginal Agency (DAA), the responsible</p>	<p><b>Procedures</b></p> <p><b>Coordination</b></p> <p>➤ When a report of abuse, neglect or emotional harm of a child in care who resides in a family care home or a child who is receiving respite care under s.5 from an approved foster caregiver is received by a Ministry of Children and Family Development (MCFD) office or a fully delegated (C-6) Delegated Aboriginal Agency</p>

<p>manager with full delegation leads and coordinates the response process.</p> <ul style="list-style-type: none"> <li>➤ The responsible manager involves a response team. The response team is comprised of the resource worker, the child’s worker(s), a delegated child protection worker and, if applicable, a delegated child protection worker focused on the caregiver’s own children.</li> </ul>	<p>(DAA), the responsible manager with full delegation leads and coordinates the response process.</p> <ul style="list-style-type: none"> <li>➤ The responsible manager involves a response team. The response team is comprised of the resource worker, the child’s worker(s), a delegated child protection worker and, if applicable, a delegated child protection worker focused on the caregiver’s own children, or the family’s worker if the child is not in care and receiving s.5 respite care from an approved foster caregiver.</li> </ul>
<p><b>Assessment and Decision Whether to Investigate</b></p> <ul style="list-style-type: none"> <li>➤ Centralized Screening opens the memo and conducts an IRR on the caregiver when they receive a call regarding alleged abuse, neglect or emotional harm of a child in care and alerts the responsible manager regarding the concern in the resource and that a protocol memo is being sent. If outside of core hours, Centralized Screening determines with the responsible manager the need for interim safety planning.</li> <li>➤ The responsible manager 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.</li> </ul>	<p><b>Assessment and Decision Whether to Investigate</b></p> <ul style="list-style-type: none"> <li>➤ Centralized Screening opens the memo and conducts an IRR on the caregiver when they receive a call regarding alleged abuse, neglect or emotional harm of a child in care or a child receiving respite care under s.5 from a foster caregiver and alerts the responsible manager regarding the concern in the resource and that a protocol memo is being sent. If outside of core hours, Centralized Screening determines with the responsible manager the need for interim safety planning.</li> <li>➤ The responsible manager assesses the report regarding alleged abuse, neglect or emotional harm of a child in care or a child receiving respite care under s.5 from a foster caregiver and decides whether or not to conduct an investigation within 24 hours of receiving the report.</li> </ul>
<ul style="list-style-type: none"> <li>➤ Criteria used by the responsible manager to assess whether the alleged abuse, neglect or emotional harm of a child in care warrants an investigation is selected from the list of ‘Director’s Concerns’ on the Caregiver Investigation memo in ICM, which includes: <ul style="list-style-type: none"> <li>• Caregiver not protecting the child from physical harm, the likelihood of physical harm, sexual abuse or sexual exploitation from another person;</li> <li>• Emotional harm by caregiver;</li> <li>• Emotional harm from domestic violence;</li> <li>• Neglect with physical harm or likelihood of physical harm;</li> <li>• Physical harm or likelihood of physical harm by the caregiver; or</li> <li>• Sexual abuse/exploitation.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Criteria used by the responsible manager to assess whether the alleged abuse, neglect or emotional harm of a child in care warrants an investigation is selected from the list of ‘Director’s Concerns’ on the Caregiver Investigation memo in ICM, which includes: <ul style="list-style-type: none"> <li>• Caregiver not protecting the child from physical harm, the likelihood of physical harm, sexual abuse or sexual exploitation from another person;</li> <li>• Emotional harm by caregiver;</li> <li>• Emotional harm from domestic violence;</li> <li>• Neglect with physical harm or likelihood of physical harm;</li> <li>• Physical harm or likelihood of physical harm by the caregiver; or</li> <li>• Sexual abuse/exploitation by the caregiver, likelihood of sexual abuse/exploitation by the caregiver.</li> </ul> </li> </ul>

<p><b>Information and support for the caregiver in a family care home</b></p> <ul style="list-style-type: none"> <li>➤ The resource worker also: <ul style="list-style-type: none"> <li>• Informs the caregiver of everyone’s role and how decisions are made;</li> <li>• Advises the caregiver of the contact information for a support person or available support services, such as the BCFFPA, IPS or other local services;</li> <li>• Informs the support person for the caregiver that they must sign an oath of confidentiality prepared by the director prior to the support person’s involvement in the investigation process;</li> <li>• Provides the caregiver with a copy of this policy, and explains the information in the report and the investigation process to them;</li> <li>• If children are moved, the resource worker and the delegated child protection worker provide the caregiver with a clear explanation of the reason and provides support in adjusting to the change;</li> <li>• Throughout the investigation, provides the appropriate financial compensation (maintenance and, if applicable, service portions, as per the contract) if children/youth in care are moved from the family home, for 45 days or until the caregiver has been informed (in person or by registered mail) of the decision regarding the future use of their home – whichever date is earlier.</li> </ul> </li> </ul>	<p><b>Information and support for the caregiver in a family care home</b></p> <ul style="list-style-type: none"> <li>➤ The resource worker also: <ul style="list-style-type: none"> <li>• Informs the caregiver of everyone’s role and how decisions are made;</li> <li>• Advises the caregiver of the contact information for a support person or available support services, such as the BCFFPA, IPS or other local services;</li> <li>• Informs the support person for the caregiver that they must sign an oath of confidentiality prepared by the director prior to the support person’s involvement in the investigation process;</li> <li>• Provides the caregiver with a copy of this policy, and explains the information in the report and the investigation process to them;</li> <li>• If children are moved, the resource worker and the delegated child protection worker provide the caregiver with a clear explanation of the reason and provides support in adjusting to the change;</li> <li>• Throughout the investigation, provides the appropriate financial compensation (maintenance and, if applicable, service portions, as per the contract) if children/youth in care or children receiving s.5 respite care are moved from the family care home, for 45 days or until the caregiver has been informed (in person or by registered mail) of the decision regarding the future use of their home – whichever date is earlier.</li> </ul> </li> </ul>
<p>None.</p>	<p><b>Information and support for children receiving s.5 respite care from a foster caregiver</b></p> <p>In a timely manner and according to the child’s age and stage of development, the family’s worker provides contact and support to the child and parents throughout the investigation process including:</p> <ul style="list-style-type: none"> <li>• Informing them about the investigation process and how to access the Representative for Children and Youth, the Ombudsperson and other relevant support;</li> <li>• Informing them about the option to have a support person from their cultural community; and,</li> <li>• Following an interruption of respite in the home, discussing with the child whether or not the child will return to the respite home.</li> </ul>

<p><b>Reporting the Investigation Results</b></p> <ul style="list-style-type: none"> <li>➤ The worker of the child in care meets with the child within 7 days of the meeting with the caregiver to discuss any issues, decisions, or changes arising from the investigation, including any concerns of the child.</li> <li>➤ The involved worker(s) place a copy of the summary investigation report on the Child Service files of any and all affected children. Workers in DAAs place copies of the summary investigation report with cover letter on the Child Service files of any and all affected children.</li> </ul>	<p><b>Reporting the Investigation Results</b></p> <ul style="list-style-type: none"> <li>➤ The worker of the child in care or, if a child receiving s.5 respite care from a foster caregiver, the family's worker, meets with the child within 7 days of the meeting with the caregiver to discuss any issues, decisions, or changes arising from the investigation, including any concerns of the child.</li> <li>➤ The involved worker(s) place a copy of the summary investigation report on the Child Service files of any and all affected children and on Family Service file if the child is receiving s.5 respite care. Workers in DAAs place copies of the summary investigation report with cover letter on the Child Service files of any and all affected children.</li> </ul>
--	--

**Proposed Changes to the Investigation of Contracted Agencies Policy (changes in grey)**

<b>Current Policy</b>	<b>Proposed Policy</b>
<p><b>Policy Statement: Investigations of Contracted Agencies</b></p> <p>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 <i>Child, Family and Community Service Act (CFCSA)</i>, is assessed and, if required, investigated by a fully delegated child protection worker.</p>	<p><b>Policy Statement: Investigations of Contracted Agencies</b></p> <p>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 <i>Child, Family and Community Service Act (CFCSA)</i>, is assessed and, if required, investigated by a fully delegated child protection worker. A report is similarly assessed for a child receiving respite care in such a resource under CFCSA s.5.</p>
<p><b>Standards</b></p> <p>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. If it is determined that an investigation is required, the designated director or delegate informs the Director of Operations for the Centralized Services Hub (the Hub).</p>	<p><b>Standards</b></p> <p>1. Within 24 hours of receiving a report about abuse, neglect or emotional harm of a child in the care of a contracted agency, or a child receiving respite care in a contracted agency under s.5, a designated director or delegate assesses the report to determine whether an investigation is required. If it is determined that an investigation is required, the designated director or delegate informs the Director of Operations for the Centralized Services Hub (the Hub).</p>
<p><b>Procedures</b></p> <p><b>Designated Director or Delegate</b></p> <ul style="list-style-type: none"> <li>➤ When a report of abuse, neglect or emotional harm of a child in care in a contracted agency is received by</li> </ul>	<p><b>Procedures</b></p> <p><b>Designated Director or Delegate</b></p> <ul style="list-style-type: none"> <li>➤ When a report of abuse, neglect or emotional harm of a child in care or a child receiving respite care under</li> </ul>

<p>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.</p>	<p>s.5 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 responsible for overseeing the agency and/or the designated director or delegate responsible for overseeing the investigation (if different from the individual overseeing the agency) is notified.</p>
<p><b>Assessment and Decision Whether to Investigate</b></p> <ul style="list-style-type: none"> <li>➤ 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:</li> <li>➤ 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: <ul style="list-style-type: none"> <li>• Caregiver not protecting the child from harm;</li> <li>• Emotional harm by caregiver;</li> <li>• Emotional harm/domestic violence;</li> <li>• Neglect with Physical harm/likelihood;</li> <li>• Physical harm/likelihood; or</li> <li>• Sexual abuse/exploitation.</li> </ul> </li> </ul>	<p><b>Assessment and Decision Whether to Investigate</b></p> <ul style="list-style-type: none"> <li>➤ The designated director or delegate assesses the report regarding alleged abuse, neglect or emotional harm of a child in care or a child receiving respite care under s.5 and decides whether or not to conduct an investigation within 24 hours of receiving the report. This assessment includes a review of:</li> <li>➤ 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: <ul style="list-style-type: none"> <li>• Caregiver not protecting the child from harm;</li> <li>• Emotional harm by caregiver;</li> <li>• Emotional harm/domestic violence;</li> <li>• Neglect with Physical harm/likelihood;</li> <li>• Physical harm/likelihood; or</li> <li>• Sexual abuse/exploitation/likelihood by the caregiver.</li> </ul> </li> </ul>
<p><i>If the decision is not to investigate:</i></p> <ul style="list-style-type: none"> <li>➤ The designated director or delegate takes the following actions: <ul style="list-style-type: none"> <li>• Within five days of making the decision, advises the executive director of the agency and the response team of the decision in writing;</li> <li>• 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; and,</li> </ul> </li> </ul>	<p><i>If the decision is not to investigate:</i></p> <ul style="list-style-type: none"> <li>➤ The designated director or delegate takes the following actions: <ul style="list-style-type: none"> <li>• Within five days of making the decision, advises the executive director of the agency and the response team of the decision in writing;</li> <li>• 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; and,</li> <li>• If the child is receiving respite under s.5, informs the parent and documents the decision in the FS file.</li> </ul> </li> </ul>
<p><b><i>If the decision is to investigate:</i></b></p> <ul style="list-style-type: none"> <li>➤ 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:</li> </ul>	<p><b><i>If the decision is to investigate:</i></b></p> <ul style="list-style-type: none"> <li>➤ 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:</li> </ul>

<ul style="list-style-type: none"> <li>• 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;</li> <li>• The decision to conduct an investigation;</li> <li>• The investigation process and expectations of contracted residential resource staff during the investigation;</li> <li>• Any immediate actions to be taken to protect the child(ren) living in the contracted residential resource;</li> <li>• 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,</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• The decision to conduct an investigation;</li> <li>• The investigation process and expectations of contracted residential resource staff during the investigation;</li> <li>• Any immediate actions to be taken to protect the child(ren) living in the contracted residential resource;</li> <li>• If the child is receiving respite under s.5, the parent's response;</li> <li>• 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,</li> <li>• 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.</li> </ul>
<p>➤ The designated director or delegate decides:</p> <ul style="list-style-type: none"> <li>• 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);</li> <li>• Whether the contracted residential resource will continue to provide care for the child in care during the investigation process; and</li> </ul>	<p>➤ The designated director or delegate decides:</p> <ul style="list-style-type: none"> <li>• 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);</li> <li>• Whether the contracted residential resource will continue to provide care for the child in care or child receiving respite care under s.5 during the investigation process; and</li> </ul>
<p>None.</p>	<p><b>Information and Support for Children Receiving s.5 Respite Care</b></p> <p>➤ The family's worker provides contact and support to the child and family throughout the investigation process in a timely manner, according to the child's age and stage of development, including:</p> <ul style="list-style-type: none"> <li>• Informing them about the investigation process and how to access the Representative for Children and Youth, the Ombudsperson, and other relevant support;</li> <li>• Informing them about the right to have support from the designated representative of their Aboriginal community;</li> <li>• Keeping the child's parents informed;</li> <li>• If the child or family is Aboriginal, and if the family requests that the designated representative of the</li> </ul>

	<p>family's Aboriginal community(ies) be informed, supporting the family to inform the community of the progress of the investigation;</p> <ul style="list-style-type: none"> <li>• Preparing them as much as possible for a change in respite care provider if one is required; and,</li> <li>• Following any change in respite caregiver, discussing with the child and family the reason for and their feelings about the change.</li> </ul>
<p><b>Conducting the Investigation</b></p> <p>Investigation steps include:</p> <ul style="list-style-type: none"> <li>• Assessing whether the child is safe with their caregiver in their current placement;</li> <li>• Reviewing all the relevant information (e.g. child service files, resource files) regarding the contracted residential resource and the child;</li> <li>• Interviewing the child who is the subject of the report; ...</li> </ul>	<p><b>Conducting the Investigation</b></p> <p>Investigation steps include:</p> <ul style="list-style-type: none"> <li>• Assessing whether the child is safe with their caregiver in their current placement;</li> <li>• Reviewing all the relevant information (e.g. child service files, resource files) regarding the contracted residential resource and the child;</li> <li>• Reviewing all the relevant information (e.g. child and/or family service files, resource files) regarding the contracted residential resource, the family and the child receiving s.5 respite in the resource;</li> <li>• Interviewing the child who is the subject of the report; ...</li> </ul>
<p>➤ 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:</p> <ul style="list-style-type: none"> <li>• Barring a caregiver from having further contact with children in care;</li> <li>• Placing a moratorium on the contracted agency regarding further placements of children into the care of the contracted agency; or,</li> <li>• Requiring any additional caregivers hired by the agency to be approved by the designated director or delegate.</li> </ul>	<p>➤ 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:</p> <ul style="list-style-type: none"> <li>• Barring a caregiver from having further contact with children in care or barring a respite care provider from having further contact with children in respite care either temporarily or on an ongoing basis;</li> <li>• Placing a moratorium on the contracted agency regarding further placements of children into the care of the contracted agency; or,</li> <li>• Requiring any additional caregivers hired by the agency to be approved by the designated director or delegate.</li> </ul>
<p><b>Obligations of the Contracted Agency</b></p> <p>➤ During an investigation and upon the conclusion of the investigation, the obligations of the contracted agency include:</p> <ul style="list-style-type: none"> <li>○ 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.</li> </ul>	<p><b>Obligations of the Contracted Agency</b></p> <p>➤ During an investigation and upon the conclusion of the investigation, the obligations of the contracted agency include: ...</p> <ul style="list-style-type: none"> <li>○ To adhere to any conditions set by the designated director or delegate to ensure the safety or wellbeing of children in care or children receiving respite care under s.5 during an investigation.</li> </ul>

<b>Reporting the Investigation Results</b>	<b>Reporting the Investigation Results</b>
<p>➤ 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:</p> <ul style="list-style-type: none"> <li>• The investigation findings;</li> <li>• 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;</li> <li>• The decision about the director’s continued use of the contracted residential resource or the caregiver; and,</li> <li>• Other individual(s) who will be notified of the investigation outcome (note that the reporter’s identity is confidential).</li> </ul>	<p>➤ 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:</p> <ul style="list-style-type: none"> <li>• The investigation findings;</li> <li>• 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;</li> <li>• The decision about the director’s continued use of the contracted residential resource or the caregiver; and,</li> <li>• Other individual(s) who will be notified of the investigation outcome, including the family if a child is receiving respite care under s.5 (note that the reporter’s identity is confidential).</li> </ul> <p>➤ The investigation outcome is reported to the Hub.</p>

**CONTACT US**  
Written submissions will be accepted until **August 1, 2022**. Send your submission or request more information:  
**Email:** [MCF.StandardsPolicy@gov.bc.ca](mailto:MCF.StandardsPolicy@gov.bc.ca)  
**Mail:** Child Welfare Policy, PO Box 9745 Stn Prov Govt, Victoria B.C., V8W 9S3, CANADA