



BC ASSOCIATION *of*
SOCIAL WORKERS

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**Brief submitted by the BC Association of Social Workers
to the Review of the Representative for Children and Youth Act
by British Columbia's Select Standing Committee on Children and Youth**

February 10, 2017

The British Columbian Association of Social Workers (BCASW) is a voluntary, not-for-profit membership association that supports and promotes the profession of social work and advocates for social justice. BCASW works in partnership with the [Canadian Association of Social Workers](#) through which we support the work of the International Federation of Social Workers. BCASW was incorporated in 1956 and has branches and members (including students) throughout BC.

We greatly respect and appreciate the Office of the Representative and the roles it plays in advocating for children and youth, and in providing extensive research that informs recommendations of significant benefit to government and future planning. It is important to ensure long term continuation of this office and maintain the office's independence through a reporting relationship to the BC Legislature.

Throughout Mary Ellen Turpel-Lafond's terms as Representative, our Association provided regular constructive responses to the recommendations made by her office. We have communicated our concerns, suggestions, and recommendations to government.

BCASW is a member of First Call and as such endorses that Coalition's submission to the Standing Committee (see attached). Below we add our specific recommendations for your consideration.

In many of the previous reports from the Representative, concerns have arisen regarding the apparent lack of inclusion of, or support for, kinship families who were ready and willing to "parent" their relatives. Poverty cannot be a barrier. Funding, resources, and training parallel to all that is provided to foster parents, must be available to all kinship care providers regardless of guardianship status. These families need a champion.

Recommendation 1: That the legislation be explicit in an expectation of consistency for inclusion of grandparents, and other relatives as a first option for care of a child or youth. And further, to expand the mandate of the Office of the Representative to provide direct advocacy for kinship family members who are willing to raise their child or youth relatives.

Our members consistently report extensive barriers that children and youth face when at risk or

assumed to be at risk. Willing caregivers face similar barriers. The Act needs to address inherent barriers for children and youth who are unable or unwilling (ie. too young, mistrustful, ill, fearful, unaware, worn out, physically or emotionally unable, language barriers, etc) to reach out for help. We need the legislation to cover the right for the child or youth to appoint or choose an advocate, which could be a relative or other trusted adult, to assist throughout involvement with the child protection system as well as with the Representative. There is extremely little funded, skilled advocacy available in BC for parents, grandparents, or other family members whose goal is to save and protect children. We must not continue to have reasons for using the phrase “falling through the cracks”.

Recommendation 2: That the Legislation fully encompass the child’s right to access to information and decisions affecting all aspects of their lives. Child friendly, inclusive options for assistance in reaching and later working with an advocate must be built in. Having ready access to a skilled advocate is essential to ensure vulnerable voices are heard.

The success of the Representative relies greatly on the will of government and especially on adequate funding, staffing levels, training, qualified leadership, ongoing professional development, access to skilled clinical supervision for MCFD and the Designated Agencies in particular and for all ministries that are involved in children’s lives.

Recommendation 3:

The legislation requires greater clarity regarding the responsibility of government working with related mandates and legislation. It also needs to be clear regarding permanence of the office of the Representative.

Our many members who work with families repeatedly stress the deep obstacles facing children and youth who need the assistance of an advocate they can trust and who has the skills to provide solid and ongoing help. These children and youth too often are unable or unwilling, or not allowed to seek help for a variety of reasons including but not limited to: infancy, lost trust, illness, fear, history, external pressure, past betrayals, language limits, and ignorance of resources to reach out for help.

Recommendation 4:

The Act needs to address inherent barriers for children and youth in receiving the information, support and assistance they need for their own protection and preservation. The Act must cover the right for the child or youth to appoint or choose an advocate, which could be a relative or other trusted adult, or community advocate, to reach out to the Representative for help.

BCASW appreciates this opportunity to speak to the importance of this legislation and the underlying service provided to British Columbians.

Sincerely,



Carol Ross, MSW
Child Welfare Lead



Michael Crawford, RSW
President

Recommendations from First Call:

Recommendation 1: That the Act be amended to add explicit reference to the representative's mandate to promote and protect child and youth rights as outlined in the UNCRC.

Recommendation 2: That the Act be amended to extend the representative's functions and powers to advocate, monitor, review, audit, conduct research, investigate, make recommendations and report publicly in relation to services for children and youth provided by any ministry or agency of the provincial government.

Recommendation 3: That the definition of "young adult" in section 6(2) of the Act be amended to include a person 19 or older but under age 26, in line with the extension of the upper age limit for Agreements with Young Adults, and that section 6(2)(b) (restriction to those in receipt of reviewable service within 15 months before their 19th birthday) be repealed.

Recommendation 4: That a new provision be added to the Act to make it clear that the representative has the right to receive advance and timely notification of proposed legislation and policy that may have a significant impact upon children and youth.

Recommendation 5: That a new provision be added to the Act vesting the representative with the power to undertake and/or facilitate assessments of the impact on children of new policies or proposed legislation.

Recommendation 6: That section 30 of the Act be repealed and replaced with a requirement to periodically review the Act in its entirety to assess how well it is supporting the work that needs to be done to promote and protect the rights of BC's children and youth, such a review to include public notification, consultation and reporting.

Recommendation 7: That a new subsection be added to section 26 of the Act to place an obligation on every facility, caregiver's home, group home or other home or place in which a child or youth is placed under an act of the province, the Criminal Code or the Youth Criminal Justice Act (Canada) to inform children and youth, in language suitable to their understanding, of the existence and role of the representative; how to contact the representative; and of their right to have private contact with the representative without delay.