

From: [Edmonton Ellerslie](#)
To: [CYAA Review](#)
Cc: [Rod Loyola](#)
Subject: Edmonton-Ellerslie Consultation on the Child and Youth Advocate Act
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Attachments: [Edmonton-Ellerslie Consultation on the Child and Youth Advocate Act.docx](#)

Good morning,

Please see the attached Child and Youth Advocate Act Review submitted on behalf of constituents and community stakeholders of the Edmonton-Ellerslie constituency. This was formulated during a consultation meeting which was held at the Edmonton-Ellerslie constituency office.

Thank you

Kind regards,

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Submission to the Standing Committee on Legislative Offices Regarding the Child and Youth Advocate Act

On September 20th, 2016 Rod Loyola, MLA for Edmonton-Ellerslie, held a consultation on the Child and Youth Advocate Act in his constituency office for constituents and members of stakeholder groups. The following individuals participated in the consultation and provided the feedback below:



1. Are these age limits appropriate?

Our constituents understand that maturity and development of child is a factor, age can be arbitrary as the limits should be as well. If one contacts the advocate's office but does not fit within the limits, they may direct them to the appropriate services.

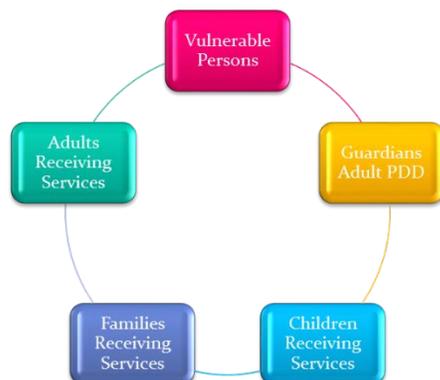
Legislation is difficult enough to understand and needs to be simpler to comprehend, in terms of who is able to receive help from an advocate. Harmonize C&YA and OCYA.

Whatever the age, C&Y can have various disabilities, addictions issues etc. and advocates have to be educated, skilled and accessible to represent effectively and appropriately.

If possible, creating an advocates office that assists vulnerable persons rather than setting a limit on age as these C&Y are children that will eventually transition into adulthood without as much support in place.

In general, most agree that the age limits are appropriate but the 'within two years' widow can be inflexible. Possibly set up a window for age than assess level of maturity/self-advocacy. There may already be an assessment of the child to determine what services may be applied.

It might be simpler to say that anyone who is receiving services or has received services within the past year or past two years but what about 2 years and 1 day the choosing of a number can create cracks that clients can fall through. By stating that the advocate or minister may request individual exceptions



would give the advocate or minister the power to investigate based on individual circumstances but not provide parameters. This leaves the door open for investigations being performed in exceptional situations rather than to define timelines and age limits but it is also open to opinion and judgement as to who is deserving of an investigation and who is not. In each of these suggestions of a specific age or not a specific age being a cut off, gaps and cracks can be created for vulnerable persons to fall through.

Another consideration might be to have an advocate's office that investigates and advocates for all vulnerable persons which would include- PDD, Office of the Guardian, Children, Youth and their families, plus any group or individuals considered "vulnerable" and considered to require the services of an advocate. This approach might help to resolve utilizing age as a determining factor for the most vulnerable persons. The advocate could assign cases based on the legislated definitions of vulnerable persons. The advocate's office would employ advocates with the necessary expertise to appropriately advocate for each identified group. This would help to prevent vulnerable persons falling through the cracks in the social systems and alleviate guessing appropriate cut offs. This is only one suggestion that would require research and discussion to create a protective system, with as few cracks as possible

2. Does the Act permit the advocate to provide appropriate services to children and youth? Should the advocate provide services to children and youth who are receiving other government services?

Question of how much money is allocated/available to implement these recommendations to the appropriate resources.

Multicultural families need experienced, culturally sensitive advocates who know how to approach the system and their client's customs, especially with the influx of newcomers. The importance of having representatives that look like them, can speak like them, have similar values or backgrounds, can be valuable to empower children and youth in their decision making and understandings of ones' identity.

Important to have representation in an advocate; diversity, knowledge and skills- see people of color, speak key languages specific to Albertan demographics or have government provide more funding to agencies that help with language and cultural transitions (if not already, partner with Multicultural Health Brokers the way Child & Family Services has).

Question of the service provided by the advocate who are volunteers in certain organizations that are serving newcomer families. More culturally sensitive education & training needs to be provided for people who work directly in this practice (i.e. social work).

Office being attached to children services may be the only certainty to making sure children are receiving an advocate when needed (eg. Make it known like Alberta Ombudsman) Where and how is the advocacy happening? What level of engagement, accessibility, availability and awareness to the public? What level of advocacy can these advocates provide? Can they override a decision?

To the children who are medically fragile (in hospital or not), do advocates provide service to them? How can they be more accessible to them?

None of these services are clearly indicated in the act.

Feedback loop when they investigate the death after a child is constantly in question reporting and consultation, training of staff, and accreditation of staff was discussed.

It seems that high profile issues take priority, that there is a bureaucracy of the system (children have suffered trauma) and everything blows over despite recommendations not being implemented.

It would be advantageous to consult with the stakeholders to identify if a need for advocacy is required beyond the present scope.

3. What the Advocate can do is made possible by the *Child and Youth Advocate Act*. In your opinion, should the role of the Advocate stay the same? Is the Advocate able to do enough, or should the Advocate be able to do more?

It says in the act, 'advocate may delegate power as required', some of it seems contradictory and the quality and grammar could be changed- harmonize the OCYA with Child and Youth Advocate procedures. Suggestions are below.

Protection of information provided is an important factor that can be improved but not removed.

The advocate appears to be able to advocate for children, youth and sometimes their family but there seems to be little criteria in legislation protecting very young children who cannot call the advocate or write a letter. Unfortunately, the very young are sometimes the victims of abuse and do need an advocate to ensure their best interests are protected. The process presently in place could be reviewed to ensure that it is adequate. If indicators can be identified, then the advocate would have criteria authorizing advocacy to ensure the best interests of the child are the focus of any interventions for the very young or nonverbal children.

Harmonize what OCYA does more with the Act.

Research: The type of research required of the advocate's office should be defined. If "research" is to keep accurate records, alert the minister if there appears to be a trend or a problem that appears to be on the rise then this would be a reporting expectation. If the advocate is to make recommendations, then provisions for the advocate to attend educational opportunities should be considered. This would also indicate that the advocate should be formally educated and well experienced in the child and youth system. Trying to have an advocate be an advocate and a researcher starts to create generic workers but the role of advocacy requires experts. Participating in research projects lead by researchers is a reasonable expectation and does not interfere with the advocate's ability to make recommendations to improve services, in fact it could provide a statistical base to work from or a comparison study to reinforce a theory.

4. Does the Act provide the advocate with sufficient powers to conduct the roles and functions as stated in the Act? Are other powers necessary?

The advocate should have some restrictions and not have license to automatically override decisions of the treatment team but be the voice for the child who cannot represent themselves. This needs to be comprehensible in the act.

What about when the child passes away? Is that the only time they have the power they do? Or do they lose privilege? Need to be clearer about the best practices of child representation (guidelines, ethics, and process).

The powers outlined in the Act seem adequate but the wording is in general terms, these suggestions were offered

Section 8 (1): May set up the Office of the Child and Youth Advocate

The word “May” in legislation is redundant as it also implies that the Advocate may not.

(1) Will manage the Office of the Child and Youth Advocate

Section 10 (1): may delegate to others most of the powers, duties, and functions of the Advocate under the Act

Most of the powers is difficult to define whereas the words appropriate and when necessary does give the impression that there are restrictions to protect the persons being served.

(1) Will delegate to others appropriate powers, duties, and functions of the Advocate under the Act when necessary.

5. Is the information provided by a child to an advocate sufficiently protected Is the information provided for an investigation sufficiently protected?

Advocate should be able to make appropriate decisions discreet for the safety of the child, sensitive to the situation. There should be scenarios where there are duties to report and confidentiality breaks only in criminal investigation associated to death, serious injury or harm to themselves or others.

Information given to the Advocate is confidential and cannot be utilized in court. It is sufficient to say that the advocate cannot be compelled to divulge information provided by the child this would protect the Advocate if the Advocate felt divulging the information would be detrimental to the child but allow the Advocate to advocate on the child’s behalf when necessary.

The right to have the child’s culture and beliefs would be appropriately protected should be clear and included in the Act.

6. Should the Advocate be able to investigate same, more, less or different issues? Do you agree with how the Act enables the Advocate to conduct investigations?

Agree with how the act enables the advocate to conduct investigations, this should be separate from the advocacy role and administrative role.



The Act does not necessitate a feedback loop once the investigation or reports are written. Often it is not clear who has the power to rectify the problematic situation. The advocate produces reports, investigates and advocates through difficult issues but the advocate's recommendations do not have to be followed. Perhaps it may be more productive to have the advocate report to a committee, board or group assembled for the purpose of resolving the presenting issues. This would have the advocate's investigation result in remedial action, remedial plans or an agreed process as to how the problem will be resolved/prevented. One individual or one office

making the decisions may give rise to limited solutions but a board, committee or group of professionals assembled for the purpose of resolution and recommendation might be more productive. The accrediting agency should also be involved in reporting to the government directly and in any advocate's investigations that involve an agency that they have accredited.

7. Do these reports contain enough information? Should these reports contain the same, more or different information?

As stated previously, after an investigation and a report is made, it was discussed that the provincial advocate office should work in collaboration or in conjunction with better cooperation to solve issues and implement the recommendations.

Investigations followed by reports do not ensure power to compel change.