

Chapter 8: Resource Work Policies	
Policy 8.20: Family Care Home Investigations	
Effective Date of Policy: March 1, 2017	Amendment Date of Policy: March 28, 2018

Policy Statement: Family Care Home Investigations

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 *Child Family and Community Service Act (CFCSA)*, is assessed and receives an appropriate response.

****NOTE:** A family care home investigation is not the same as a child protection investigation under s.13 of the *CFCSA*. The finding of a family care home investigation is whether or not there is evidence of abuse, neglect or emotional harm of a child in care, and not whether a child is in need of protection.

Outcomes

- Children living in family care homes have their safety and well-being protected.
- Investigations are completed in a fair and timely manner.
- Caregivers receive support through a transparent process.
- The findings of the investigation are made known to the caregiver and the child in a timely manner.

Standards

- 8.20.(1) The responsible manager determines whether or not to conduct an investigation within 24 hours of receiving the report regarding abuse, neglect or emotional harm of a child in a family care home.
- 8.20.(2) If there is an investigation, start the investigation immediately if any child is at imminent risk and within 5 days of receiving the report of alleged abuse, neglect or emotional harm in all other situations.
- 8.20.(3) If there is a decision to investigate, complete the investigation within 30 days of receiving the report unless doing so compromises the integrity of the investigation. If an extension is needed, obtain approval of the responsible manager and then notify the caregiver of the need to extend.

8.20.(4) If, as a result of an Investigation, a decision has arisen to apply a serious sanction to the caregiver (reduction of level or closure of the family care home), inform the caregiver of the right, within 10 days of receiving the decision, to make a written request to the Director of Quality Assurance for a review of the administrative fairness of the decision.

Procedures

Coordination

- 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 manager with full delegation leads and coordinates the response process.
- 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. The responsible manager determines whether a response team member's supervisor is part of the response team and the role of the supervisor. The response team includes counterpart workers from the DAA, where applicable.

Assessment and Decision Whether to Investigate

- 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.
- 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. When possible, the manager involves the response team in the assessment and decision making process, and considers information from the response team in making the decision. This assessment includes a review of:
 - 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 caregiver or a parent.
- 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:

- Caregiver not protecting the child from physical harm, the likelihood of physical harm, sexual abuse or sexual exploitation from another person;
- Emotional harm by caregiver;
- Emotional harm from domestic violence;
- Neglect with physical harm or likelihood of physical harm;
- Physical harm or likelihood of physical harm by the caregiver; or
- Sexual abuse/exploitation by the caregiver.

If the decision is not to investigate

- The responsible manager undertakes the following actions:
 - within 7 days of making the decision, advises the caregiver and the response team of the decision in writing;
 - assesses the information in the report to determine whether there are any quality of care concern(s) regarding the care of the child in that family care home;
 - ensures the documentation of the allegation, the decision and the rationale for supporting the decision are placed in the physical resource file and in the files of all children in the home;
 - the Protocol Memo is coded with the outcome “No Further Action” prior to being closed; and
 - communicates with the Community Living British Columbia (CLBC) team about the allegation and the decision not to investigate if there are CLBC adults in the home and if there are quality of care concerns that may impact a CLBC client’s safety (as per s.79(a.1) of the *CFCSA*).

If the decision is to investigate, prior to beginning the investigation

- The responsible manager undertakes the following actions:
 - coordinates the response team;
 - provides the delegated child protection worker with information relevant for conducting the investigation, such as the nature of the allegation and any relevant history;
 - if there are biological children of the caregiver residing in the home, consults and jointly plans with the local child protection authority if they are not already involved;
 - requests that the child’s worker for each child in the home completes a Reportable Circumstance Report (this automatically notifies the Public Guardian and Trustee (PGT), if applicable);

- requests that the resource worker and the child protection worker inform the caregiver about the allegations and the decision to investigate, and of the available support services;
 - determines whether the parents of the child, the parents of other children/youth in the home and, if the child is Aboriginal, the designated representative of the child's Aboriginal community should be informed of the allegation, consistent with the Practice Guidelines for the Reportable Circumstances Policy; and
 - communicates with the Community Living British Columbia (CLBC) team about the allegation and the decision to investigate if there are CLBC adults in the home whose safety may be compromised (as per s.79(a.1) of the *CFCSA*).
- The manager decides in consultation with the response team wherever possible:
- whether any actions are needed to protect the safety and well-being of any children living in the family care home (including the caregiver's children, if applicable) during the course of the investigation;
 - whether the family care home will continue to provide care to the children in care during the investigation process (particularly if there are safety concerns for the children in care);
 - 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; and,
 - whether future meetings with the response team are needed for updating or planning purposes.
- If the above decisions are not made in consultation with members of the response team, the responsible manager advises the response team of the decisions prior to the beginning of the investigation wherever possible.
- The investigation is started immediately if any child is at imminent risk, and within 5 days of receiving the report of alleged abuse, neglect or emotional harm in all other situations.

Information and support for the caregiver in a family care home

- As soon as possible and within 5 days following a decision to conduct an investigation, the MCFD/DAA resource worker notifies the caregiver 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 a family care home investigation;
 - the investigation process;
 - actions to be taken to protect the children living in the family care home;
 - whether the police/PGT will be involved and that the PGT may request more information about the outcome of the investigation; and,
 - the expectation that the caregiver will be updated every 14 days by the delegated child protection worker or resource worker.

- The resource worker also:
 - Informs the caregiver of everyone's role and how decisions are made;
 - Advises the caregiver of the contact information for a support person or available support services, such as the BCFFPA, IPS or other local services;
 - 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;
 - Provides the caregiver with a copy of this policy, and explains the information in the report and the investigation process to them;
 - 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;
 - Throughout the investigation, provides the appropriate financial compensation (maintenance and, if applicable, service portions, as per the contract) if children in 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.

Information and support for children in care

- In a timely manner and according to the child's age and stage and development, the child's worker provides contact and support to the child throughout the investigation process 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 option to have a support person from his/her cultural community;
 - Preparing them as much as possible for a change in placement if one is required, including consulting with them according to their abilities; and
 - Following a change in placement, discussing with the child the reason for the move, feelings about the move and new living situation, and whether or not the child will return to the original family care home.

Conducting the investigation

- A delegated child protection worker conducts the investigation, which includes:
 - assessing whether the child is safe in their current placement;
 - reviewing all the relevant information (e.g. child service files, resource files) regarding the caregiver and children in care living in the family care home;
 - ensuring the relevant band protocol is followed, if applicable (see Policy 3.1);
 - interviewing the child who is the subject of the report;
 - interviewing other children as necessary;
 - interviewing the non-accused caregiver (if there is one);
 - interviewing the alleged accused caregiver or accused other party, if relevant (determined in consultation with police if involved);
 - interviewing collaterals as determined by the team members, and
 - 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). If the child has the capacity to consent to medical treatment, seek his/her consent for the medical examination.

- Throughout the investigation process, the safety and well-being of children living in the family care home are continually assessed by the child protection worker, manager and other members of the response team. If concerns exist, the manager approves all decisions regarding how to address them.

- If the caregiver refuses to participate and cooperate in the investigation process where the consequences for non-cooperation have been communicated, then close the home (complete the investigation and review the contract to determine how long payment is continued) and move the child(ren) to another placement.

Completing the Investigation

- The delegated child protection worker completes a detailed investigation report (in ICM) and an investigation summary and submits them to the responsible manager.
- The investigation summary report must ensure:
 - children in care are only referenced by their initials;
 - the identity of the reporter, or information that could reasonably be expected to reveal the identity of a person who has made a report, is not included;
 - information that could reasonably be expected to jeopardize a criminal investigation that is under way or contemplated is not disclosed; and
 - details of the evidence are omitted.
- A decision is made by the responsible manager about the continued use of the family care home based upon information arising from the investigation (whether or not abuse, neglect or emotional harm has occurred), information provided by the members of the response team, and an assessment of the likelihood of future abuse, neglect or emotional harm.
- If a decision is made to continue using the family care home, the response team develops a plan identifying any action(s) needed to protect the safety and well-being of children living in the family care home.

Reporting the Investigation Results

- As soon as possible, the resource worker and the delegated child protection worker meet with the caregiver to:
 - Discuss the investigation, the outcome of the investigation, and any actions taken;
 - Discuss any unresolved issues and the need for additional supports, services, or training, including supports for when a home is being closed;
 - If abuse, neglect or emotional harm has occurred, develop a plan of action for the child's future care;
 - Advise the caregiver of the next steps regarding the family care home;

- Advise the caregiver of the dispute resolution policy and available support; and
 - Advise the caregiver that she/he will receive a letter from the manager that includes a written summary of the investigation and the findings.
- 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.
- Within 15 days of the completion of the investigation, the manager sends the caregiver a copy of the written investigation summary with a covering letter by registered mail informing him/her of:
- the summary investigation findings;
 - the decision about the director's continued use of the family care home;
 - the dispute resolution policy and the available supports, which the caregiver can access if she/he is dissatisfied with the process or the outcome of the investigation; and
 - other people who will be notified of the investigation outcome (note that the reporter's identity is confidential).
- The manager sends a copy of the investigation summary and related decisions to the Service Delivery Area Executive Director (or, where applicable, Executive Director of the responsible DAA), informing them of:
- the investigation findings;
 - the decision regarding any action needed regarding the safety and well-being of children in the family care home and reasons for the decision; and
 - the decision about the director's continued use of the family care home.
- 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.
- The resource worker retains a copy of all relevant documentation on the process, results and recommendations of the allegation/investigation (including the detailed investigation report, summary investigation report, all correspondence with the caregiver and delegated child protection worker case notes) on the MCFD/DAA resource file.

If Caregiver has Complaint about the Outcome of an Investigation

- A caregiver may apply in writing to the Director of Quality Assurance for the review of the administrative fairness of a decision, without the need for a prior attempt at informal/local resolution or review by a responsible manager (as per Policy 8.21, *Dispute Resolution for Caregivers*), if:
 - the decision has arisen from a Family Care Home Investigation and resulted in a serious sanction (loss of level or closure of the family care home);
 - the application for a review is made within 10 days of receiving the decision about the serious sanction.
- If the Director of Quality Assurance decides to conduct a review, the caregiver is sent a letter within 7 days of the Director of Quality Assurance receiving the review request, indicating the commencement of a review, the issues under review and the timeframe for completion of the review.
- The review process of the Director of Quality Assurance is completed within 30 days, unless the caregiver agrees to an extension. The decision is distributed in writing to all involved within 7 days of the decision, with the caregiver informed of the option of requesting an external review (i.e. Ombudsperson).
- If the Director of Quality Assurance decides not to conduct a review, the caregiver is sent a letter within 7 days of the Director of Quality Assurance receiving the review request, indicating the reasons why the complaint is not accepted and describes the options for external reviews (i.e. Ombudsperson).
- If the issue does not pertain to a serious sanction, see Policy 8.21, *Dispute Resolution for Caregivers*.

Additional Resources:

- [ICM User Guide](#)