

MAR 26 2018



**OFFICE OF THE YUKON CHILD & YOUTH ADVOCATE**  
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March 26, 2018

Honorable Pauline Frost  
Minister Health and Social Services  
Box 2703  
Whitehorse, YT  
Y1A 2C6



**Re: Notification of Independent Systemic Review**

Dear Minister Frost,

Please be advised that as the Child and Youth Advocate, I am formally launching an independent systemic review of the experience of children and youth living in the Yukon Transitional Support Services program ("Group Homes"), pursuant to s. 12(1) of the *Child and Youth Advocate Act* (the "Act")

**Mandate of the Child and Youth Advocate**

As an independent officer, I have the mandate to support, assist, inform and advise children and youth with respect to designated services as set out in the *Act*. The vision of the Child and Youth Advocate Office is to enhance the lives of Yukon children and youth by promoting their rights and views when receiving government services. Our accountability is to the children and youth of the Yukon. We are focused on finding resolutions to advocacy issues and making meaningful differences in the lives of children. While our primary function is providing individual advocacy services, we also have the power to undertake systemic reviews of issues affecting children and youth.

**Authority to Conduct the Review**

I have the authority to independently conduct a systemic review of the experience of children and youth in Group Homes pursuant to s. 12(1) of the *Act*, which states:

If, in the course of performing individual advocacy functions on behalf of a child or youth under section 11 [primary role], the Advocate becomes aware of a policy or systemic issue in respect of the designated service that raises a substantial question of public interest, the Advocate may review and provide advice in respect of the issue to the department, First Nation service authority or school board that is providing the designated service.

I am satisfied that the requirements to conduct a review under s. 12(1) of the *Act* have been met. First, in the course of providing individual advocacy functions, I have been made aware of a systemic issue with respect to the experience of children and youth living in Group Homes – a designated

service provided by the Department of Health and Social Services (HSS). Second, this issue raises a substantial question of public interest that further supports the need for a systemic review.

In accordance with the Protocol between HSS and the Child and Youth Advocate Office (the "Protocol"), I communicated with officials from the HSS between March 8th and March 19<sup>th</sup>, 2018 and discussed this systemic issue. Following these conversations, I made the decision to undertake an independent review of the experience of children and youth in Group Homes pursuant to s. 12(1) of the Act. In accordance with the Act, I have the ability to educate the public about my role in order to advance the rights of children and youth. Therefore, I may inform children, youth and members of the public about the process and the findings of this review.

This letter serves as official notification to HSS of my decision to undertake this systemic review, as consistent with the Protocol. The Department's announcement of cooperation for this review is appreciated and is also in accordance with the Protocol.

#### Power to Determine the Scope and Nature of the Review

To be clear, as Minister of HSS, you have not made a referral to the Child and Youth Advocate Office to undertake a review under s. 15(1) of the Act, which would have enabled you, as Minister, to establish the terms of reference for the review. Rather, I am undertaking a review under s. 12(1) of the Act.

As a result, I have complete independence and authority over the framework, scope, nature, timeline and advice that may result from the review.

I am not required to submit to Yukon government any terms of reference for this review, nor am I bound by any expectations from Yukon government with respect to an appropriate scope of work or timeline for conducting the review. The budget for the operations of the Child and Youth Advocate Office is approved by Member Services Board and I have already requested additional personnel funding to support systemic advocacy. Further, once I have finalized the review, I am guided by my Act in releasing the findings of the review and any advice that I may have for Yukon government.

#### Right to and Disclosure of Information

The Protocol provides that HSS will work cooperatively with the Advocate within the confines of the Act and other relevant legislation and policies. Further, HSS will provide the Advocate with the information the Advocate requests and is entitled to receive under the Act.

Pursuant to s. 23(1) of the Act, I have the right to any information that is in the custody or control of Yukon government that is necessary to enable me to exercise my powers or perform my functions and duties under the Act. Further, s. 23(2) of the Act requires Yukon government to disclose the information to which I am entitled and respond to any reasonable questions that I may have regarding the clarification or explanation of the information provided. This may include information about persons other than the children or youth who are the focus of the review.

#### Communication with Children and Youth

Please note that HSS has a legal obligation, pursuant to s. 26 of the Act, with respect to a child or youth who is in a facility, caregiver's home, group home, foster home or other place in which the child

or youth is placed under the *Criminal Code*, the *Youth Criminal Justice Act*, or an Act of the Legislature, to:

- (a) provide the child or youth with the means to contact the Advocate privately;
- (b) if the child or youth asks to communicate with the Advocate, immediately forward the request to the Advocate; and
- (c) for a child or youth who wishes to meet with the Advocate, provide the Advocate with
  - (i) private access to the child or youth; or
  - (ii) reasonably private access to the child or youth if the child or youth is in custody.

#### Protection for Persons Giving Information or Assisting the Advocate

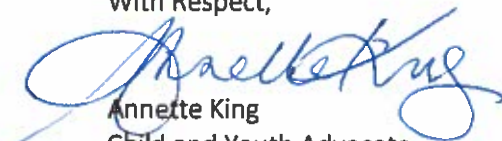
Please also note that s. 27 of the *Act* provides protection for persons giving information to or assisting the Advocate. Anyone providing information to the Advocate must not be discharged, suspended, disciplined, penalized or otherwise discriminated against.

#### Request to be Advised of Steps Taken

Section 21 of the *Act* provides me with the authority to provide advice to HSS, and any other relevant departments. I may also then request to be advised by the department(s), within a specified time, of the steps that have been taken, or are proposed to be taken, to give effect to the advice provided. If no steps have been taken, or are proposed to be taken, I may request the reasons for not following the advice provided.

In the coming weeks, the Child and Youth Advocate Office will be determining the appropriate framework for the systemic review of the experience of children and youth in Group Homes. I will do my utmost to balance the public's interest in transparency and accountability through this review, with the privacy rights of the children and youth involved. This balancing of interests will take place at every step of the review.

With Respect,



Annette King  
Child and Youth Advocate