

# INAUGURAL ANNUAL REPORT 2020-2021



### **Our Logo**

Symbols matter. The Founding Members of the Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate created the vision for the logo of the Office, its shape, elements, and colours:

**The Ribbon Human** - a ribbon is a symbol known around the world as a sign of advocacy, of support for a cause. It also transforms into a human shape. The Ribbon Human could be anyone - an infant, a child, a youth, an adult ally, an advocate. It is a radiant gold, shining our shared light and passion as it reaches for every opportunity.

**The Leaves** - trees and leaves are synonymous with growth. Every small seed unlocks the ability to reach the skies, seeks nurturing and an environment that supports its needs. Children and youth can grow in any direction, reach momentous heights, and have great strength.

**The Colours** - a community is strong when we are all included in it. Diversity matters. Differences are celebrated. There is a place for all of us. Having vibrant and unique colours reflect our respect for all children and youth. Each colour has varying tones within it - a nod to the fact that we all have shades within us as we grow and learn.

**The Words** - 'Prince Edward Island' in blue represent both the sky and sea. We adore our Island and all that it gives us. It is solid. It stands to show that decisions made here are guided by recognizing where and who we are. 'Child and Youth' is an action-oriented forest green. Growth and development and action are reflected in the text. 'Advocate' is fuchsia, a colour of passion. The text is sound, solid, and rooted. Advocacy takes both a fueled commitment and an underpinned knowledge.



### Letter of Transmittal

November 19, 2021

The Honourable Colin LaVie Speaker of the Legislative Assembly 197 Richmond Street P.O. Box 2000 Charlottetown, PE C1A 7K7

Dear Mr. Speaker,

In accordance with Section 30(1) of the PEI *Child and Youth Advocate Act*, it is my duty and privilege to submit to you and the Members of the Legislative Assembly of Prince Edward Island the Inaugural Annual Report for the fiscal year ending March 31, 2021. The Office of the Child and Youth Advocate opened on July 15, 2020, and this inaugural reporting period is for eight and a half months.

Respectfully,

Marvin Bernstein, B.A., J.D., LL.M. (ADR)

Child and Youth Advocate

Province of Prince Edward Island

Marvin M. Bernstein

We acknowledge we are working on the traditional territory of the Mi'kmaq people who have occupied this land for thousands of years.

The Office of the Child and Youth Advocate is committed to working collaboratively with all Indigenous children, youth and their families.

We acknowledge the harms of our colonial past and we are committed to improving relationships in the spirit of truth and reconciliation.

We appreciate the opportunity to live and learn on these traditional lands in mutual respect and peace.



### Message from the Child and Youth Advocate



It is my privilege to present to the Legislative Assembly this Inaugural Annual Report for the period of July 15, 2020 to March 31, 2021 in my capacity as Prince Edward Island's first independent Child and Youth Advocate. My appointment and the creation of our independent Office are historical and momentous events in the lives of Island children and youth who, for the first time, have an impartial and non-partisan Office dedicated to representing their rights, interests and viewpoints.

This Annual Report speaks to a unique time frame in many ways: First, the PEI *Child and Youth Advocate Act* was proclaimed on July 15, 2020, already a full quarter into the fiscal year. The Office opened during a global pandemic when children, youth and their families were experiencing increased social isolation, economic stresses, mental health challenges and a reduction in government and community services. The pandemic also created a physical barrier between the Office and the children and youth we are here to serve. This unique time frame also represents the very beginnings of creating a new workplace, including all elements of staffing, establishment of infrastructure, and the beginnings of procedural and policy development in order to support the legislative mandate that governs the work of the Office.

As a whole, the Office of the Child and Youth Advocate recognizes the high public expectations from this legislation, and ultimately from this Office. I recognize and wish to express an enormous amount of gratitude to the children and youth who have shared their experiences, to the community as a whole, and to individual citizens and organizations who advocated passionately and tirelessly for our province to enact legislation to establish an independent Child and Youth Advocate Office. I thank service providers across Prince Edward Island for what you do every day in the service of children and youth, and the whole of the Legislative Assembly for acting on the will of the province's citizens.

This Office was born out of circumstances that were traumatic and painful for many people. I recognize and honour that journey. I also recognize that the strength of this Island is rooted in our relationships and our sense of caring and compassion for one another. This has been demonstrated time and again during this global pandemic where the vast majority of Islanders have led by example by making personal sacrifices and concessions for the greater health and safety of all citizens.

As the Office of the Child and Youth Advocate develops and matures in our work following our inaugural partial year, we will continue to rely upon the goodwill and collaboration of many others, while holding child-serving systems accountable, where appropriate. As a province, it is vital that we come together and commit to upholding the rights and values set out in the United Nations Convention on the Rights of the Child. I am optimistic that as Islanders, together, we are positioned to actualize the human rights for every child and youth in our province.

At our Office, we say that everyone can be an advocate for a child. You don't have to be appointed by a Committee of the Provincial Legislature to care and make a difference in the lives of children and youth. You, like this office, can influence positive change for Island children and youth. I call upon all of us to look for new opportunities to uphold children and youth rights. This doesn't have to be complicated, and can be as simple as actively including a child or youth in a decision made about them; asking yourself if a course of action is in the best interests of children and youth; or looking around the room to see if the voice of children and youth are sufficiently represented.

I also have a message for all Island children and youth. All of us within the Office of the Child and Youth Advocate are here to listen to you and are interested in what you have to say. We will respect your privacy and help you figure out your options when you are encountering problems or impasses with government or community services. We will then support you, so that you can feel safe and valued, as we advocate for you to have your needs met and rights respected. If you have a problem, an idea, or a suggestion, I invite you to contact us and give us the opportunity to listen, learn and bring forward your voice.

Finally, I wish to thank the dedicated staff of the Office of the Child and Youth Advocate. They have each bravely and whole-heartedly committed to embrace our vision, mandate, and mission. They have been instrumental in our Office's inaugural year accomplishments and I have benefitted greatly from the advice and wisdom of this strong team of professionals. It is my privilege to serve with them as the Child and Youth Advocate for Prince Edward Island.

Respectfully submitted,

Marvin Bernstein, B.A., J.D., LL.M. (ADR)

Child and Youth Advocate

Marvin M. Bernstein















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### Vision ~ Mission ~ Mandate



### VISION

A province where every child and youth experiences the realization of all their human rights and have every opportunity to reach their full potential.

### MISSION

To raise awareness and uphold the child rights principles expressed in the united Nations Convention on the Rights of the Child, while amplifying the voices of children and youth, modelling dignity and respect for children, youth and their families in all aspects of our work.



### MANDATE

To empower and promote the human rights of all PEI children and youth through advocacy, reviews, investigations, public education, research and child/youth engagement in accordance with the authority and responsibilities set out in the PEI Child and Youth Advocate Act.





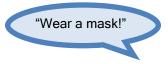
### A Year of New Lessons and Learnings











Some words like "essential" and "pandemic" have always been around, but the events that unfolded in 2020-2021 sparked new learnings, new meaning, creativity, innovation and emergency public health instructions to which all Islanders, including children and youth, needed to adapt. Staff of the Office of the Child and Youth Advocate wish to acknowledge the known, and still unknown, impacts of the COVID-19 global pandemic on children and youth.

It would be a challenge to discuss the work of this inaugural year in which the PEI *Child and Youth Advocate Act* was proclaimed and the new Office of the Child and Youth Advocate opened, without first acknowledging circumstances of doing so in the context of a global pandemic.

Since opening the doors of the new Child and Youth Advocate Office on July 15, 2020, staff continue to observe, through individual advocacy services, the impacts of COVID-19 on PEI children and youth, to include:

- Disrupted education, including secondary school closing to in-person learning and loss of early learning opportunities;
- Necessity for children and youth to adapt to virtual learning;
- Disrupted access to alternative education, including General Educational Development (GED) programming;
- Disrupted and changed access to mental health supports and services;
- Disrupted and changed access to physical health supports and services;
- Loss of in-person social interactions with family and friends;
- Lack of socialization for all children and youth from infancy onward;
- Extended delays to assessments and diagnosis; and
- Reduced adult "eyes and ears" on children and youth due to decreased visibility in the community.

While continued research will help inform and measure the full range of impacts the global pandemic continues to have on children and youth, moving forward, it will be important to ensure continuous access to mental health services as an important mitigation strategy for all children and youth impacted by the pandemic.



### **Background**

In 2015, a Coroner's Inquest into the murder/suicide of a four year old child and his mother, resulted in fifteen recommendations, which included creating the position of a Child Advocate for Prince Edward Island.

In 2016, the *Child Protection Act* Review Advisory Committee Report identified sixty-six recommendations to improve child safety and child well-being on PEI to include:

- Ensuring the rights and freedoms of children are maintained;
- Children be afforded the opportunity to participate in matters affecting them; and
- Children's voices be heard by a neutral third party not connected to government services.

At that time, PEI remained the only province in Canada without an independent officer of the Legislative Assembly responsible to promote and protect the rights of children and youth, and to provide oversight of government funded programs and services to children and youth.

In January 2018, the 2017 Prince Edward Island Children's Report by the Chief Public Health Office was publicly released, establishing a baseline of key indicators of child health and well-being in Prince Edward Island and calling for action for Island children.

In March 2018, phase one of an interdepartmental Child Well-Being Steering Committee was established. The purpose was to provide oversight for implementation of a transformative, social determinants of child well-being response to improve outcomes for Prince Edward Island children. The 2016 *Child Protection Act* Review Advisory Committee Report and the 2017 Prince Edward Island Children's Report formed the basis of the committee's focus. Four working groups were established:

- Information Sharing and Collaboration;
- Measurements;
- Legal / Court Processes; and
- Indigenous Child Well-Being.

On January 7, 2019, Michele Dorsey was appointed the Children's Commissioner and Advocate for Prince Edward Island and a new Office for Children and Youth was located in the Executive Council Office. Leadership responsibility for phase two of the Child Well-Being Steering Committee was assigned to the new Office for Children and Youth.

In April 2019, during a provincial election, three political parties referenced a Child and Youth Advocate in their party platforms, two of which called for the creation of the position of an independent Child and Youth Advocate.



In June 2019, the Speech from the Throne signalled Government's commitment to establish an independent Child and Youth Advocate Office.

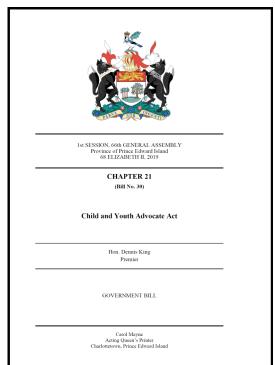
In July 2019, a consultation draft of a proposed *Child and Youth Advocate Act* was prepared to include the appointment of an independent officer of the Legislative Assembly to serve as the Child and Youth Advocate along with the establishment of an Office of the Child and Youth Advocate.

Between August 2019 and October 2019, there was extensive public consultation on the draft *Child and Youth Advocate Act*.

On November 19, 2019, the *Child and Youth Advocate Act* received 1<sup>st</sup> reading, and on November 20, 2019, the *Act* received 2<sup>nd</sup> and 3<sup>rd</sup> readings in the Legislative Assembly.

In May 2020, Premier King announced the appointment of the PEI Children and Youth Table, to serve as an interim bridge until the appointment of an independent Child and Youth Advocate, to ensure the voices and views of children and youth were heard and considered in matters affecting them on Prince Edward Island.

On May 26, 2020, Marvin Bernstein was appointed by the Legislative Assembly as the first independent Child and Youth Advocate effective July 15, 2020.



On July 15, 2020, Marvin Bernstein was sworn in as an independent officer of the Legislative Assembly and the *Child and Youth Advocate Act* was proclaimed.

On July 15, 2020, following the appointment of Marvin Bernstein and proclamation of the *Child and Youth Advocate Act*, the Office of the Child and Youth Advocate was officially opened.

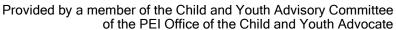
On July 17, 2020, Senator Brian Francis and Mi'kmaq Elder Judy Clark were officially welcomed as the first guests to the new Office of the Child and Youth Advocate. Elder Judy Clark performed a smudging ceremony to cleanse the staff and the Office for the work that lay ahead.

"We are very pleased that PEI now has a Child and Youth Advocate...this is what all of us had envisioned to be essential. Thank you for being there for us now!"

- Grandparent









### Office of the Child and Youth Advocate

### Who We Are







# Marvin M. Bernstein Child and Youth Advocate

I am humbled and honoured to have been appointed as the first independent Child and Youth Advocate for Prince Edward Island. More importantly, this is a historic and momentous occasion for Island children and youth, who for the first time have an independent office dedicated to advancing their rights, interests and viewpoints. I am passionate about child advocacy. It isn't just a job to me. It is a lifestyle and a driving force in my life. I also have a strong sense of social justice and believe that we can all be agents of positive social change if we are optimistic, principled and prepared to speak out where we see unfairness or discrimination in any shape or form, particularly where it affects our most vulnerable and marginalized youngest citizens.



### Rona Smith Executive Director

It continues to be my privilege to serve Island children, youth and their families; a privilege entrusted to me throughout my forty years of public service in PEI, in areas of child abuse and family violence. As a social worker, my personal and professional worldview continues to be influenced by my family upbringing and my professional values, both of which are founded on pillars of social justice and advocacy on behalf of vulnerable persons. This helped me choose a professional career devoted to my passion for child advocacy, in the promotion and protection of all children and youth as human rights holders.



# Dr. Wendy Verhoek-Oftedahl Investigation/Research Representative

I am an injury epidemiologist with over twenty-five years of experience in the field of family violence prevention. Prior to moving to Prince Edward Island, I held a research faculty position at Brown University in Rhode Island in the United States. My research focus was the evaluation of methods for public health surveillance of intimate partner and sexual violence, child maltreatment and elder abuse, and included analysis of incident characteristics to inform prevention efforts. I am pleased and honoured to serve as the Investigation/Research Representative for the Office of the Child and Youth Advocate.





### Wraychel Horne Advocacy Representative

It is my life's passion to commit to the best possible services for all children and youth. Being allotted the opportunity to research, share, create, and action advocacy strategies which fully realize best practices - which are successful locally - is what excites me about actualizing the PEI *Child and Youth Advocate Act.* With two decades of experience in service to children and youth including executive, not-for-profit leadership, government, and consulting roles, I am humbled and thrilled to be a part of this historic inaugural team.



### Penny Woodgate Executive Administrative Assistant

I have 25+ years of experience providing administrative services to various branches of government. I grew up in Warren Grove, PEI, a small, close-knit community where everyone knew their neighbours. My personal experience and understanding of the importance of advocacy came about in an unexpected way. My brother, my only sibling, required a double lung transplant and required a support person to accompany him on this journey. I spent six months between hospitals in Alberta and Manitoba advocating on his behalf when he could not. He has since recovered and is able to enjoy a second chance in life all because of the generous gift of organ donation. It is my privilege to support the advocacy efforts of all Islanders.



### Michael Zimmerman Legal and Policy Advisor

The Office would also like to recognize Michael for his contributions as a staff member during 2020. Michael transitioned to the Office from the former Office for Children and Youth. While he was with the independent Office of the Child and Youth Advocate for only a short time, he left his imprint on the work and in our hearts. We wish him well with his new adventures in British Columbia.





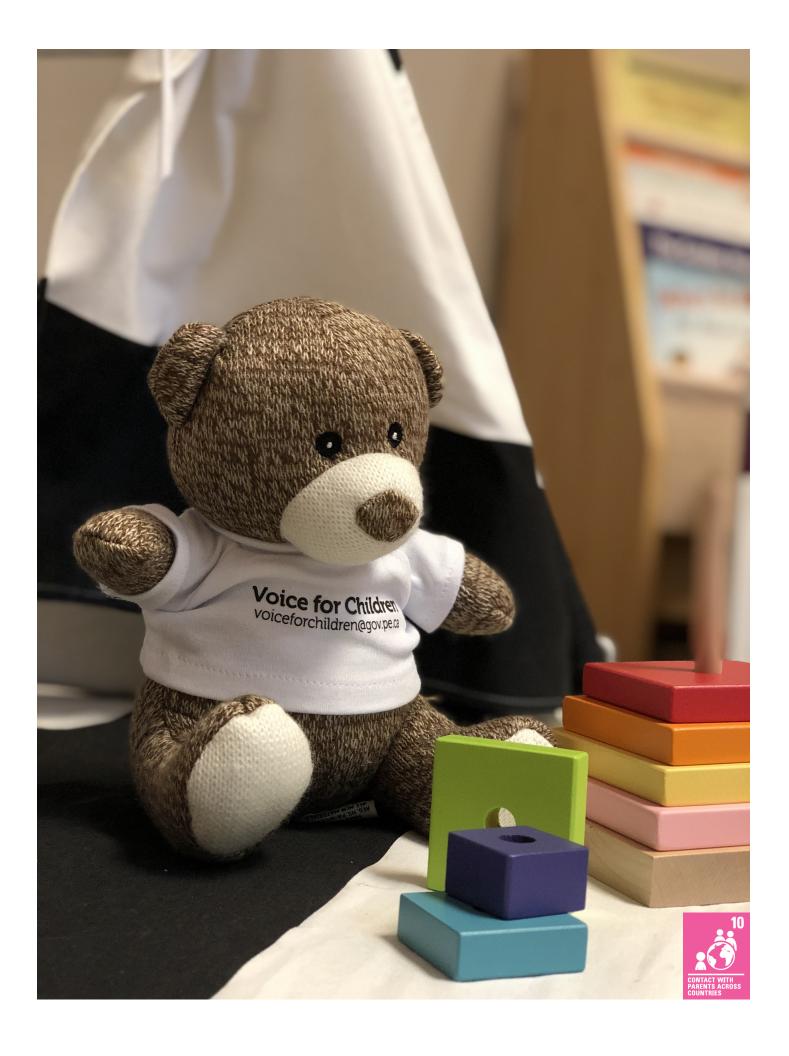












### What Guides the Office of the Child and Youth Advocate

The PEI *Child and Youth Advocate Act* and the United Nations Convention on the Rights of the Child (referred to in the Act's preamble) combine to serve as the guiding legal framework for the work of the Office of the Child and Youth Advocate.

The United Nations Convention on the Rights of the Child applies to every child in the world from birth to age 18 years.

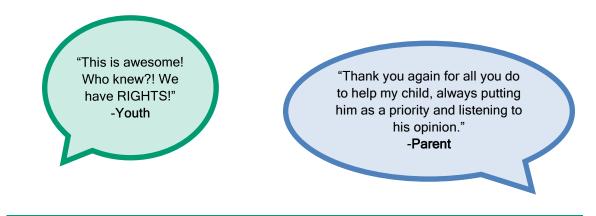
The United Nations Convention on the Rights of the Child is the most ratified of all United Nations Human Rights Treaties in the world. It has been ratified by 196 nations globally and Canada ratified it on December 13, 1991. There is only one country in the world that has not ratified the Convention.

It consists of 54 inter-related and inter-dependent articles on children's human rights. There are three categories of children's rights in the Convention, often referred to as "Clustering Rights" which are:

- Protection from all forms of harm and exploitation;
- **Provision** of resources needed for healthy development and survival such as food and nutrition, health, shelter, and education; and
- Participation by being active participants in their own lives and in society.

The Convention contains four categories of guiding or general principles for all children and youth:

- Right to non-discrimination in the provision and exercise of all Convention rights (Article 2);
- Right to have the best interests of the child treated as a primary consideration in all actions concerning children (Article 3);
- Right to life, survival and maximum possible development (Article 6); and
- Right to express views freely and have those views respected in all matters affecting children (Article 12).





### How the Office of the Child and Youth Advocate May Help

### What does the Office of the Child and Youth Advocate do?

- Listens to children and youth, and helps to have their voice heard and taken seriously;
- · Helps connect children, youth and their families to programs and services;
- Works with families, professionals, communities, and government to protect and promote the rights of children and youth; and
- Makes recommendations and reports about important matters for children and youth.

### What is something you might want to talk about?

- It could be your experience with one or more of:
  - o Adoption Services,
  - o Child Protection Services,
  - o Early Childhood Development and Child Care,
  - o Educational programs and services,
  - o Health, Mental Health and Addiction Services,
  - o Justice Services,
  - o Social Assistance programs and services, and
  - o Other community organizations with government funded reviewable programs and services.

### Who can contact the Office of the Child and Youth Advocate?

- Anyone. You do not need anyone to say you can, or have someone make a referral;
- We are friendly and respectful;
- Anyone is welcome to bring a support person to any meeting with us;
- Children and youth have a right to talk to the Child and Youth Advocate privately;
- We want everyone to be safe. If a child or youth talks about being hurt by anyone or talks about hurting themselves, we contact other helpers and services; and
- The name of any person contacting us is confidential.









### What happens when someone contacts the Office of the Child and Youth Advocate?

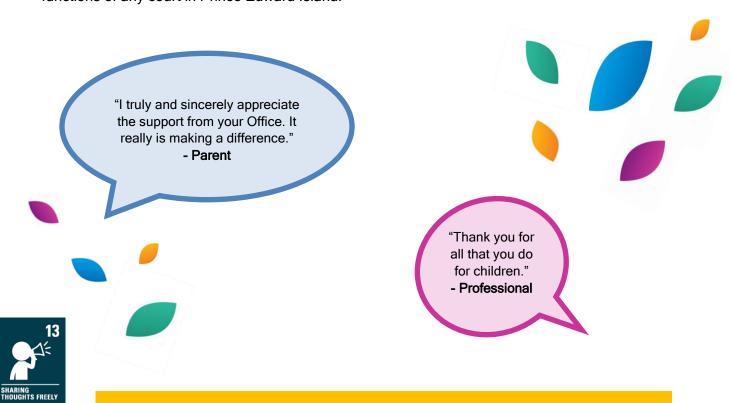
- We will ask:
  - o the reason for the call,
  - what is happening,
  - o what is the concern,
  - o how we can contact you,
  - o what, if any, other helpers may be involved, and
  - o what you are hoping we can do.

"This is serendipitous!
We needed your
services so badly
and didn't even know
you existed!"

- Parent

### As the Office of the Child and Youth Advocate, we can NOT:

- Change a decision made by a program or service;
- Act as legal counsel for or provide legal advice to any person;
- Change arrangements for children and youth in custody or access;
- Exercise jurisdiction over or act with respect to the deliberations and proceedings of the Executive Council or one of its committees; and
- Exercise jurisdiction over or act with respect to judges, justices of the peace and functions of any court in Prince Edward Island.







Provided by a member of the Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate



### ADVOCATE'S ROLE and RESPONSIBILITES



### The Child and Youth Advocate is responsible to:

- Promote the rights of children and youth in relation to government legislation, policies, protocols, practices and reviewable services to children and youth;
- Provide information and advice to children, youth and their families;
- Represent the rights, interests and viewpoints of children and youth who are receiving or may receive
  a service from a government funded program or service these are called reviewable services;
- Assist children and youth to ask for and participate in a case conference, a review of a service they
  are receiving, a mediation or other processes in which decisions are made about a service to a child
  or youth and their families;
- Receive and review any matter that comes to the attention of the Office about a government funded program or service provided to a child or youth or a group of children or youth;
- Promote and provide education and advocacy on the rights, interests and well-being of children and youth;
- Monitor implementation of and compliance with recommendations included in reports made by the Office of the Child and Youth Advocate;
- Work with individuals, families, communities, government and community organizations to support and create opportunities for the well-being of children and youth; and
- Undertake or collaborate in research related to improving reviewable services.

### The Child and Youth Advocate may:

- Receive and investigate any matter that comes to the attention of the Child and Youth Advocate from any source about:
  - o a child or youth who receives or is eligible to receive a reviewable service,
  - o a group of children or youth who receive or are eligible to receive a reviewable service, and
  - o a reviewable service for children and youth.
- On the Child and Youth Advocate's own initiative, or at the request of a child or youth, assist in appealing or reviewing a decision relating to a reviewable service;
- Advocate on behalf of a child or youth in relation to a reviewable service;
- Try to resolve problems by working collaboratively with reviewable services and community organizations;
- Review, investigate and report on the serious injury or death of a child or youth;
- Conduct or contract for research on the rights, interests and well-being of children and youth to help make recommendations to improve reviewable services for children and youth; and
- Advise or make recommendations to government or community organizations responsible for reviewable services on any matter relating to the rights, interests and well-being of children and youth.



### PROMOTE and EDUCATE

The Office of the Child and Youth Advocate has responsibility to promote and provide public education and advocacy respecting the:

- Rights, interests and well-being of children and youth;
- United Nations Convention on the Rights of the Child; and
- United Nations Declaration on the Rights of Indigenous Peoples as it affects children and youth.





### **ADVOCATE**

The Office of the Child and Youth Advocate has responsibility to promote the rights of children and youth in relation to government legislation, policies, protocols, practices and reviewable services to children and youth, both at an individual level and at a systemic level.

**Individual Advocacy** involves advocating for children, youth and their families receiving or eligible to receive a service from a government funded program or service. These services are called reviewable services.

The Office of the Child and Youth Advocate has responsibility to advocate for children and youth across the province by:

- Providing information and advice to children, youth and their families. This is sometimes called navigational support;
- Representing the rights, interests and viewpoints of children and youth who are receiving or eligible to receive reviewable services. This is often called direct advocacy to children and youth; and
- Assisting children and youth to initiate and participate in case conferences, service reviews, mediations
  or other processes in which decisions are made about the provision of reviewable services to a child,
  youth and their families. This is often called direct individual advocacy.

"The youth felt positive about the meeting with you and that you were hearing and listening to them.

Hopefully with you involved, their experiences will be given weight." - Parent



### Individual Advocacy issues are issues that:

- Affect one child or youth;
- Promote a child or youth participating in a decision or plan of care being made about the child or youth by a reviewable service;
- Promote a child or youth being empowered to be their own advocate when requesting or receiving a reviewable service;
- Require reviewable service providers to listen and create safe environments for a child or youth to discuss concerns:
- Require reviewable service providers to focus on child or youth identified issues and answer questions
  posed by a child or youth about a reviewable service;
- Help a child or youth learn more about their human rights;
- Help a child or youth learn respectful problem solving approaches to having their views considered in reviewable service matters affecting them;
- Help a child or youth understand how government funded programs and services work and how to navigate reviewable services; and
- Provide opportunities for a child or youth to be active meaningful participants



**Systemic Advocacy** involves working towards broad changes in policy, practice and legislation that will benefit many children and youth. Systemic advocacy happens throughout all roles and responsibilities of the Office of the Child and Youth Advocate to include systemic reviews and systemic investigations.



Systemic issues are issues that:

- Affect more than one child or youth:
- If not addressed, are likely to re-occur; and
- Typically require a change to policy, regulation or legislation to resolve.

Systemic issues come to the attention of our Office in many ways, including:

- Individual advocacy casework;
- Children, youth and their families;
- Professionals;
- Government departments;
- Community organizations;
- Members of the public; and
- Media.

"Thank you for all that you do for children" - Professional



### **REVIEW and INVESTIGATE**

The Office of the Child and Youth Advocate may review and investigate, individually or systemically, any matter that comes to the attention of the office, from any source, concerning:

- A child or youth who receives or is to receive a reviewable service;
- A group of children or youth who receive or are eligible to receive a reviewable service; and
- A reviewable service for children and youth.

An individual advocacy review or investigation helps ensure a child or youth's rights, interests, and views are considered in decisions made by the reviewable service about a service provided to the child or youth.

A systemic review or investigation helps bring attention to issues, or trends, within a reviewable service that affect many children and youth. Following the review or investigation, the Office of the Child and Youth Advocate may make recommendations, through a child rights analysis, to help influence systemic changes in reviewable services provided to children and youth.

The purpose of all reviews and investigations is to learn and foster continual improvement in the provision of reviewable programs and services provided to PEI children and youth. It is never to find fault or determine individual service provider responsibility.

A child rights lens is applied to all reviews and investigations conducted by the Office of the Child and Youth Advocate.





### SERIOUS INJURY and DEATH

The Office of the Child and Youth Advocate has responsibility to receive reports of all child and youth serious injuries and deaths. There is a public reporting duty and any person who has knowledge of a serious injury or death of a child or youth must report the information to the Office of the Child and Youth Advocate.

There is also a specific duty for all reviewable services and every government program or community organization that provides a reviewable service to a child or youth, or their families, to report the serious injury or death if the child, youth or their family, has received services within the previous two years.

The Office of the Child and Youth Advocate has specific responsibility to review child and youth serious injuries and deaths, where one or more reviewable services were provided to the child, youth, or their family within a two-year period immediately preceding either the serious injury or death. There are specific criteria the Office of the Child and Youth Advocate considers when determining to move from a review to an investigation.

The reasons for reviews and investigations are:

- To identify systemic issues arising from a review of the child or youth's circumstances;
- To identify potential enhancements to practices or resources that could benefit children and youth who receive services in the future;
- To make recommendations to improve systems that serve children and youth; and
- Where possible, to make recommendations about how to prevent serious injuries and deaths in the future.

The purpose of a review or investigation of a child or youth serious injury or death is never to find fault or determine individual service provider responsibility.

The purpose is always to learn from a child or youth serious injury or death with the goal of preventing future serious injuries or deaths of children and youth.





# Investigation Principles: Respect ~ Integrity ~ Collaboration ~ Balance

### Respect

What We Believe About Children/Youth

- We believe in the rights of children/youth as set out in the United Nations Convention on the Rights of the Child (UNCRC).
- We believe their lives matter.
- We believe they have the right to privacy.

### How We Work

- We make substantial efforts to understand the diversity and full-life experience of the child/youth.
- We make substantial efforts to understand the full-life experience of the child/youth within the context of their family and community.
- We continually consider the impact of our work on children/youth, families, communities and the public.

### Our Reports and Recommendations

- The purpose of our reports is to improve circumstances for children/youth and their families through recommendations to the systems that serve them and not to find fault.
- We take into consideration sensitivities that may exist for children/youth, their families, professionals and the systems that serve them.

### Integrity

What We Believe About Children/Youth

We strive to understand their perspective.

### How We Work

- We collect and analyze information to identify trends and improve our performance.
- We make substantial efforts to verify the accuracy of our information. This information, combined with our research and interviews, informs our recommendations.
- We engage in an ongoing dialogue to challenge biases.
- We are committed to professional development.

### Our Reports and Recommendations

- Our public reports are accessible, meaningful and inform the public, professionals and responding government departments and community organizations.
- We engage government departments and community organizations, and make efforts to clearly communicate our recommendations to them.
- Our reports are subject to rigorous checks and balances to maximize accuracy and promote privacy.
- We monitor implementation of and compliance with recommendations we make in our reports.
- We are accountable for the reports we write.



### Collaboration

What We Believe About Children/Youth

- We believe in involving the child/youth in cases of serious injury.
- We believe in involving people close to the child/youth.

### How We Work

- We collect information about the experience of the child/youth from many sources.
- We have a team approach in our work.

### Our Reports and Recommendations

- We engage with subject matter experts to increase our understanding of the circumstances of the child/youth and provide advice related to findings and recommendations.
- We are committed to internal engagement and collaboration.
- We work collaboratively with external stakeholders.

### **Balance**

### What We Believe About Children/Youth

 We believe that the life of each child/youth is unique and that they live within the context of family, community and culture.

### How We Work

- We balance our legislative responsibilities with the well-being of the child/youth, their family and community.
- We consider differing perspectives that guide our work.
- We acknowledge the positives, as well as the negatives, when examining the actions, policies, protocols, practices and reviewable services provided to children and youth.

### Our Reports and Recommendations

- Our recommendations guide the achievement of goals and outcomes that benefit children/youth in Prince Edward Island.
- Our reports consider the experiences of an individual child/youth to inform systemic change.
- Our reports reflect fairness in both content and tone.





### **MONITOR**

The Office of the Child and Youth Advocate is responsible to monitor implementation of and compliance with recommendations included in reports made by the Office.

### RESEARCH

The Office of the Child and Youth Advocate is responsible to undertake or collaborate in research related to improving reviewable services. The Office of the Child and Youth Advocate may conduct or contract for research for the purpose of making recommendations to improve the effectiveness and responsiveness of a reviewable service.

### **REPORTS**

The Child and Youth Advocate is required to report the results of an investigation to the reviewable service subject to the investigation and any other person the Advocate considers appropriate.

The Office of the Child and Youth Advocate may compile and analyze information received for reviews of child and youth serious injury or death and from investigations conducted to produce a report of the compiled and analyzed information that does not contain information in individually identifiable form.

In order to improve the effectiveness and responsiveness of reviewable services, the Child and Youth Advocate may make a special report that includes recommendations respecting reviewable services.

The Child and Youth Advocate shall prepare an annual report that may contain information the Child and Youth Advocate considers appropriate but shall contain, at a minimum, a report on the activities of the Office, the outcomes expected in the fiscal year in which the report is made, and the results achieved in the previous fiscal year.





### **RESOURCES**

The following resources are available through the Office of the Child and Youth Advocate:

### Child and Youth Friendly Rack Card

This colourful resource is designed to directly inform children and youth about advocacy services available to them through the Office of the Child and Youth Advocate.

### **Adult Brochure**

This resource provides a brief overview of the roles and functions of the Office of the Child and Youth Advocate and it provides information on what happens when someone contacts the office.

# United Nations Convention on the Rights of the Child Poster

This resource is a child-friendly presentation of the United Nations Convention on the Rights of the Child in image and graphic form designed to increase awareness and understanding of all articles of the Convention.

### **Know Your Rights Booklet**

This resource provides a child-friendly detailed understanding of each article of the United Nations Convention on the Rights of the Child. While designed for children and youth, this resource is useful for everyone.

### **Presentations**

To learn more about the PEI *Child and Youth Advocate Act*, the role and functions of the Office, and an overview of the United Nations Convention on the Rights of the Child, please contact the Office.



### Website

Please visit our website at www.childandyouthadvocatepei.ca to learn more about the work of the Office.





### **ACTIVITIES and RESULTS ACHIEVED**

Below is a summary of activities undertaken by the Office of the Child and Youth Advocate and results achieved in fiscal year 2020-2021 (operational period July 15, 2020 to March 31, 2021). The infographics that follow provide additional details.

### Office of the Child and Youth Advocate Administration

- Staff transitioned from the former Office for Children and Youth to the independent Office of the Child and Youth Advocate;
- Job descriptions were prepared and competitions were held to fill the roles of: Executive Administrative Assistant, Advocacy Representative and Investigation/Research Representative;
- Human Resource policies and procedures were developed and implemented;
- Record management information system was developed and implemented;
- Staff provided subject-matter expertise to inform content development for an electronic case management system by the provider, Penelope Case Management Software;
- Vision, Mandate and Mission statements were developed;
- Terms of Reference for the Child and Youth Advisory Committee of the Office of the Child and Youth Advocate were developed and implemented; and
- Staff development was initiated, including:
  - o participation in a number of national/international webinars on rights /issues impacting children and youth,
  - o consultation with and ongoing mentorship by child advocacy offices across Canada, and
  - o membership and participation on IWK/Dalhousie University Pediatric Advocacy Action Committee and the Canadian Council of Child and Youth Advocates.

### Promotion and Education

- The Child and Youth Advocate and Executive Director of the Office of the Child and Youth Advocate
  conducted introductory meetings and site visits with reviewable programs and services across the
  province;
- Educational presentation slide decks were developed and presentations were delivered to representatives of government and community organizations including, but not limited to, elected officials, senior leadership teams, working groups, advisory committees, and professional associations;
- A website for the Office of the Child and Youth Advocate was developed and implemented www.childandyouthadvocatepei.ca;
- Resources to promote children's rights including a Child and Youth Friendly Rack Card, Adult Brochure, and a Know Your Rights booklet were developed, produced and distributed across the province, both in hard copy and electronic form;
- The Advocate reviewed and provided consultative feedback on government legislation, policies, protocols, and practices to promote the rights of children and youth; and
- The Advocate engaged with media to raise awareness and promote the well-being and rights of children and youth.

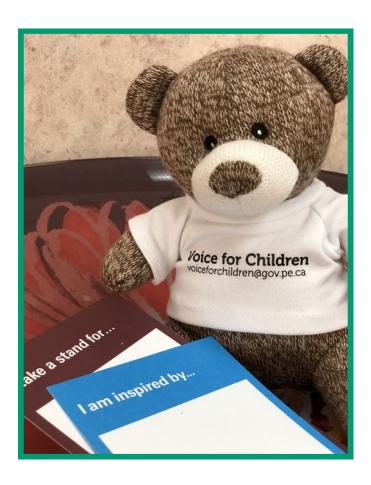


### **Advocacy** – Individual Advocacy

- The Office of the Child and Youth Advocate received 151 referrals involving 198 children or youth;
- Information and advice were provided to children, youth and their families referred to the Office; and
- Children and youth were assisted to ensure their rights, interests and viewpoints were represented in decisions affecting them.

### Reviews - Child and youth serious injuries and deaths

- As the Child and Youth Advocate has publicly stated, there are two child death reviews in progress;
- A comprehensive scan of policies, procedures and protocols for conducting reviews and investigations in use by other child and youth advocacy offices across Canada was initiated;
- Investigation Principles to guide the review and investigation of serious injuries and deaths were developed, modeled on those developed by other child and youth advocacy offices; and
- A classification system for child and youth serious injuries was drafted from materials provided by other child and youth advocacy offices.





# **EDUCATION and COLLABORATION**

Media



14

Editorials – 2 Interviews –10 Press Releases – 2

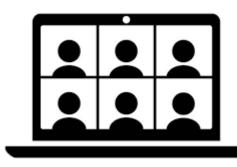
**Educational Presentations** 



22

Educational sessions provided to: Government Departments Community Organizations Professionals Members of the Public

**Meetings and Consultations** 



45

Government Senior Leadership
Community Partners
Professional Associations
Reviewable Services
Other Child and Youth Advocate Offices

**Staff Professional Development Sessions** 



14

Youth Engagement Strategies
Children and Youth - Impacts of COVID-19
Child and Youth Advocacy
Child Homicides
Mi'kmaq Educational Cultural Sessions



# INDIVIDUAL ADVOCACY

Everyone can be an advocate for children and youth. Advocacy is a process - it is not an event. Advocacy involves different people working together to help action the human rights of children and youth.

By the time someone reaches out to the Office of the Child and Youth Advocate, there have often been many helpers from many reviewable programs and services involved in trying to resolve complex matters. The calls to the Office of the Child and Youth Advocate involve programs and services provided to children, youth and their families ranging from early childhood education, schools, and child protective services, to health, mental health, addictions, justice, accessibility, income support, and community services.

While most of the calls received by the Office of the Child and Youth Advocate during this reporting period were primarily about concerns of child safety and child custody/access, due to the complexity of situations, often many reviewable services were involved at the same time with the child or youth and their family.

It is important to note that the Office of the Child and Youth Advocate cannot act as legal counsel for or provide legal advice to any person, including children and youth, and the Office does not have authority to alter arrangements for children and youth in custody and access matters; however, advocacy support is available to children and youth.

Most calls for individual advocacy were received from adults. This is consistent with other child advocacy offices across Canada, noting that often children and youth have limited ability to directly reach out to adults to ask for help all by themselves. Most calls to the Office were the result of word-of-mouth information or as a result of an educational session provided by staff of the Office.

The following non-identifying data is presented with the understanding that advocacy is a process and data alone does not reflect the lived experiences of children and youth. Each data point represents a child or youth requiring help to have their voice heard in matters affecting them while receiving a reviewable service. It is also important to note the Office of the Child and Youth Advocate opened and operated during a global pandemic for the full reporting period of this report.



# INDIVIDUAL ADVOCACY

**Individual Advocacy Referrals** 





151 Referrals, involving 198 Children/Youth

**Callers** 



48% Parents13% Grandparents19% Professionals

6% Concerned Citizens9% Relatives/Friends5% Children / Youth

Most Common Reason for Calls



46% Child Safety / Protection 30% Custody / Access

Ages of Children and Youth Involved



62% Birth - 11 years 32% 11 - 17 years

\* 6% age unknown





# INDIVIDUAL ADVOCACY - OVERVIEWS

Staff of the Office of the Child and Youth Advocate receive requests for individual child and youth advocacy support from across the province ranging from requests for information and navigational support to direct assistance to children and youth.

Most calls received are from adults. Staff will always ask the caller's relationship to a child or youth. When a child or youth calls the office directly, staff provide a same business day response.

The following three overviews of individual advocacy are shared to illustrate what child and youth advocacy looks like. These situations are drawn from the numerous requests received by the Office.

No identifying information is included, upholding the right of children and youth to communicate with the Office privately and in confidence in accordance with the protection of privacy provisions ensured by the PEI *Child and Youth Advocate Act*.

This situation is about the basic protection and provision of child rights - safety from harm, food and nutrition, health, shelter, and education all involving multiple children in one family. This situation also illustrates an impact of COVID-19 for vulnerable children and youth when schools were closed, and subsequently, there were fewer public adult "eyes and ears" on children at risk. Isolation due to COVID-19 has resulted in children being invisible to others, and reduced the availability of trusted adults outside of home to turn to for help.

This family was experiencing a range of challenges and once the children were able to return to school, safety issues were exposed. Upon contact with the Office of the Child and Youth Advocate, staff provided direct advocacy support to the children. The children were able to learn about their human rights and gain an understanding of their rights to safety, health care and education. Staff also assisted by navigating communications and offering support to reviewable services who were all trying to help the family as they had become re-activated and re-engaged.

Through the Office, and the collaborative efforts of everyone involved, the rights, interests and viewpoints of the children were elevated and decisions were made that protected and promoted their rights. Actions resulted in safety of the children; the children were empowered to vocalize their priorities; and, the children were able to access the help and services they requested. Advocacy enabled their needs to be met.







This situation is about the protection and participation rights of children and youth, noting that every child and youth has the right to be protected from all forms of harm and exploitation. This situation also illustrates that advocacy is a process - it is not an event - and it takes time to develop trusting, trauma-informed relationships with children and youth.

The Office of the Child and Youth Advocate received a referral with concern for the rights of a child in a complex family situation. Numerous adults and service provider helpers were involved, each holding notions of what 'should' be done in the best interests of the child. Sometimes well-intended adult helpers may unknowingly overwhelm children and youth.

In navigating this situation on behalf of the child, staff of the Office of the Child and Youth Advocate logged more than 14,700 words in contact notes; engaged in 102 electronic communications; conducted 37 meetings; and dedicated 24 business days over 6 months.

The role of staff of the Office of the Child and Youth Advocate was to help all the well-intended adults learn to create safe space for the child's rights, and ensure the child's interests and viewpoints were considered.

This volume of time and effort speaks to how complicated and complex life can become for a child. When adults work with their best intentions, but separately, the volume of service activity becomes the issue for the child.

When safe space was created for the child and the child was able to express what they wanted to happen, guess what the child wanted? The child simply wanted to have all the adult helpers stop interrupting their school day. Losing time in class, time with friends, and being singled out was not helping.

Just as adults give each other respect in scheduling meetings with prior knowledge, with consent, unless there is an emergency, the same dignity can and should be afforded to children. Just like an adult with a complex life, a child has the right to participate in planning their services.



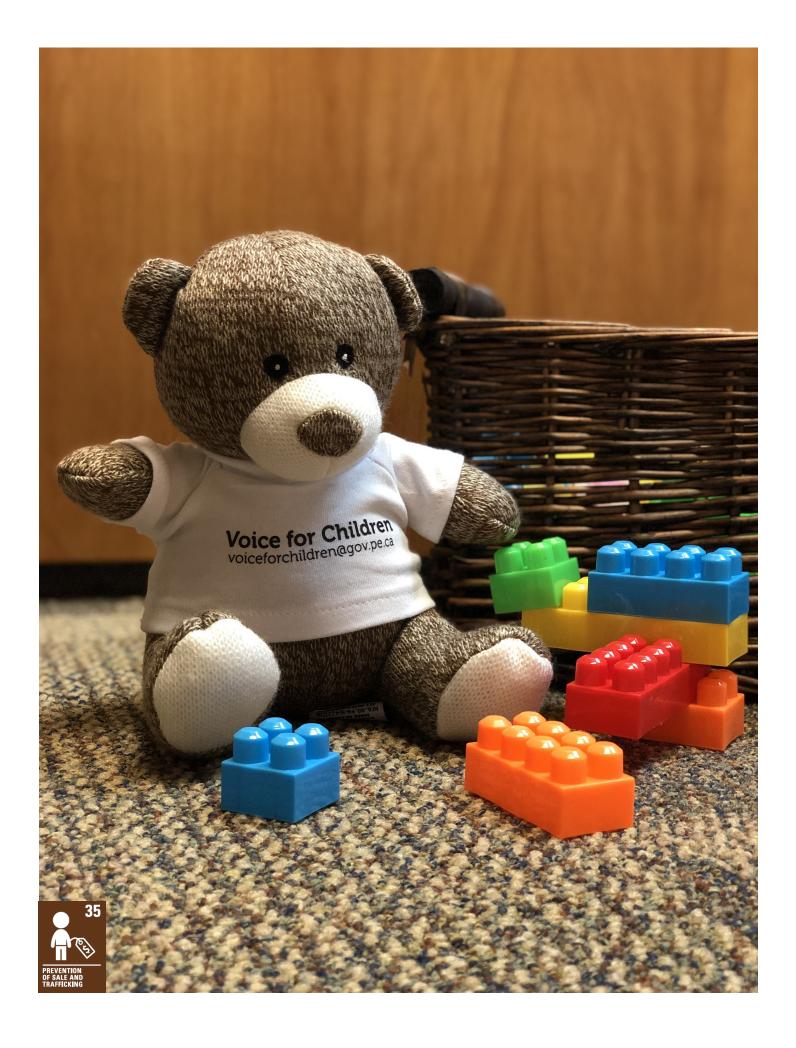


This situation demonstrates the participatory rights of children and youth. The key to promoting and protecting the participatory rights of children and youth is to ensure, as adults, we actively create safe space and opportunities for children and youth to be active participants in their own lives, and in society overall.

The Office of the Child and Youth Advocate received a referral from another jurisdiction with concern for the safety, health, shelter and education of a youth. Staff became directly engaged with the youth and explained the role and function of child and youth advocacy to the youth to ensure the youth understood how their voice can be heard in a complex family matter. It took time for the youth to feel safe and express their views and interests. There were many professional well-intended adult helpers involved in service delivery decisions for the youth; however, the youth's right to participate in decisions affecting the youth was not central.

Through advocacy support, staff attended meetings alongside the youth at the youth's request, offering support, facilitating conversations, and ensuring the youth's voice was amplified. These actions balanced the power of competing adult helper's needs to ensure the youth was an equal participant in decision making. With advocacy and support, the youth explored and researched potential options for a path forward which were presented to service providers. Ultimately, the youth was empowered to participate and lead a service delivery plan supported by multiple adult helpers who worked collaboratively to action the youth's safety plan. This resulted in a course of action that created stability and a new path forward in life for the youth.

While the process was uncomfortable at times for most adult helpers involved, it demonstrated a true commitment to the participatory rights of the youth, ensuring the youth was engaged and active in decisions being made about their own life. This situation, once again, highlights that advocacy is a process - not an event.



Aceptamos tu opinion

我们希望听到您的声音

Faites entendre

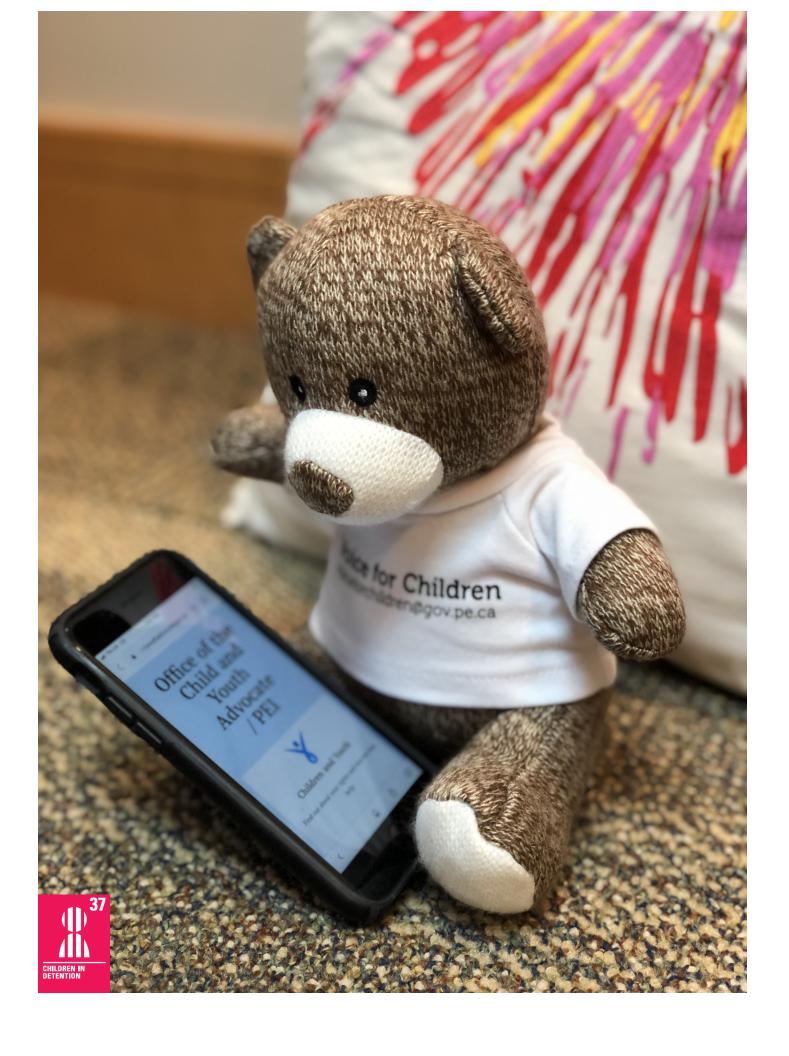
We welcome your voice!

Chúng tôi trân trọng tiếng nói của bạn

نحن نرحب بصوتك

Welta'suatmulek ta'n kowey ketu' tluen







The Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate, consists exclusively of children and youth and reflects a rich diversity of lived experiences, Indigenous and cultural traditions, and other child and youth-sensitive perspectives. The Committee serves an advisory role to the Child and Youth Advocate.









#### **OBJECTIVES**

- Amplify the voices of children and youth, with a view to advancing the rights, interests and well-being of all PEI children and youth;
- Establish needs and priorities for children and youth to contribute to informing the work of the Office of the Child and Youth Advocate:
- Identify and advise on gaps and areas of concern related to reviewable programs and services to PEI children and youth;
- Identify and advise on supportive structures and processes for child and youth engagement to ensure their voices are heard and considered in matters impacting them;
- Create a balanced constituency approach to ensure that as wide a range of perspectives as possible are brought forward; and
- Support public awareness and education on the United Nations Convention on the Rights of the Child
  and the United Nations Declaration on the Rights of Indigenous Peoples as it affects children and
  youth, specifically with a peer-to-peer approach.



"We go against the idea that only adults have a say. Since I've been on the Child and Youth Advisory Committee, I've had my voice heard all the time. I'm heard now."

- Founding Member Child and Youth Advisory Committee

















"Thank you so much! I have been trying to be a louder voice for children all my life!!!" - Incoming Member



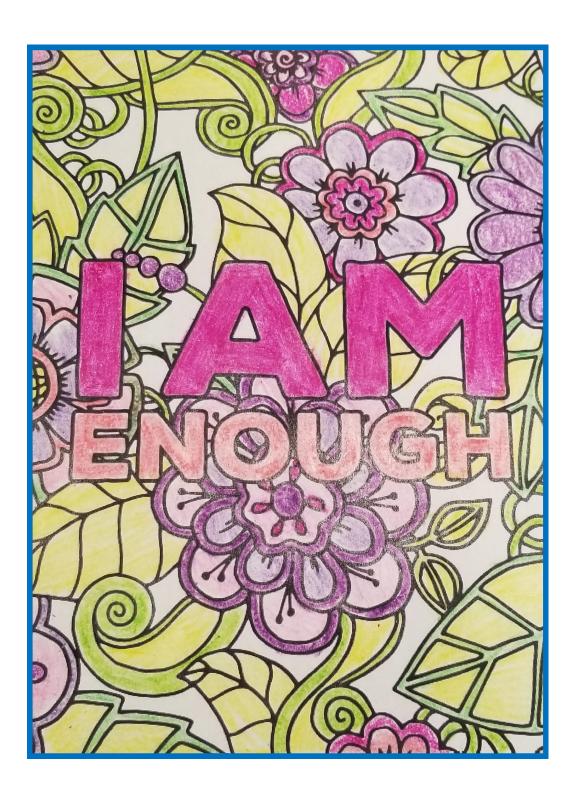
# Child and Youth Identified Priority Issues



Youth members of the Child and Youth Advisory Committee have rapidly made their voices heard over the past months. The membership has:

- Raised issues to elected members of Government, Official Opposition and the Third Party;
- Met with leaders of community organizations from across Prince Edward Island;
- Connected with Senators and staff of the Senate of Canada;
- Connected with the Prime Minister's Youth Council; and
- Met with Honourable Bob Rae, Canada's Ambassador to the United Nations, and recipient of the 2020 Symons Medal.







Provided by a member of the Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate

# **EXPECTED OUTCOMES** for FISCAL YEAR 2021 - 2022

Below is a summary of activities and expected outcomes for fiscal year 2021-2022, the first full year of operation of the Office of the Child and Youth Advocate.

#### Office of the Child and Youth Advocate Administration

- Complete development of electronic case management system with the provider, Penelope Case Management Software;
- Complete staff recruitment;
- Develop a multi-year strategic plan to guide the work of the Office; and
- Continue staff development including:
  - o participation in national/international webinars on rights /issues impacting children and youth,
  - o consultation, collaboration and ongoing mentorship by child and youth advocacy offices across Canada, and
  - o membership and participation on IWK/Dalhousie University Pediatric Advocacy Action Committee and the Canadian Council of Child and Youth Advocates.

#### Promote and Educate

- Continue to promote awareness of the role and function of the Office of the Child and Youth Advocate and children's rights through:
  - educational sessions on the PEI Child and Youth Advocate Act, the Office of the Child and Youth Advocate, the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples,
  - o media engagement, and
  - o distribution of resources to children, youth and adults to promote children's rights in hard copy and electronic form at educational sessions and public events; and
- Review and provide consultative feedback on government legislation, policies, protocols, and practices to promote the rights of children and youth.

#### Advocate

- Continue to:
  - o promote opportunities for child, youth, their families, professionals and other adults to access the Office for protection and promotion of rights of children and youth in matters that affect them, and
  - provide individual advocacy for children, youth and their families respecting reviewable services to include information-sharing and assisting children and youth to ensure their rights, interests and viewpoints are represented in decisions affecting them;
- Identify systemic issues impacting children's rights that affect or are likely to affect more than one child or youth;
- Work with reviewable services and the public to support and create opportunities for the well-being of children and youth; and
- Advise and make recommendations to public bodies or community organizations providing reviewable services to children and youth on matters related to the rights, interests and well-being of children and youth.



#### Review and Investigate

- Receive reports and determine whether or not to investigate individual and systemic advocacy matters related to reviewable services:
- Continue to:
  - o receive and review reports of serious injury and death of children and youth,
  - o collect and review records for the two child deaths reported in 2020 to determine if criteria are met to initiate a formal investigation, and initiate investigation, as warranted, and
  - o educate public bodies, community organizations and the public regarding the mandatory reporting requirements for serious injuries and deaths;
- Collaborate with Vital Statistics to operationalize routine reporting of all deaths of children and youth to the Office of the Child and Youth Advocate;
- Review and revise classification system for child and youth serious injuries in collaboration with:
  - o provincial epidemiologist and injury epidemiologist in the Chief Public Health Office, and
  - working group established by Health PEI to operationalize the criteria for identification and reporting of serious injuries by the healthcare system to the Office of the Child and Youth Advocate; and
- Work to formalize policies, procedures and protocols for serious injury and death review, informed by the comprehensive scan of practices of child and youth advocacy offices across Canada and the experiences of the Office to date.

#### Monitor

Initiate development of a mechanism to monitor reviewable services and community agencies who
deliver reviewable services to evaluate compliance with recommendations made by the Office of the
Child and Youth Advocate.

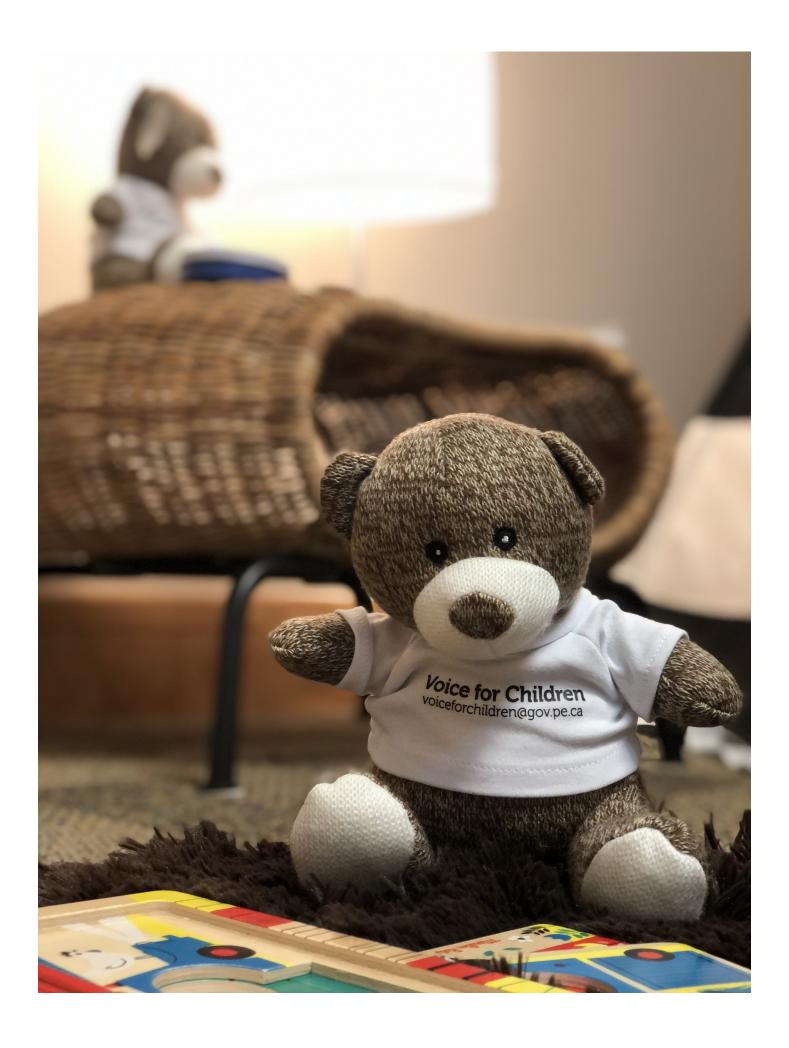
#### Research

- Research legislation, policies and practice to inform reviews and investigations of individual or systemic advocacy issues, and child and youth serious injuries and deaths;
- Review scientific literature to inform systemic investigations and serious injury and death reviews and investigations, and to identify best/promising practices for prevention; and
- Contract with external subject matter experts for the purpose of making recommendations to improve the effectiveness and responsiveness of reviewable services.

#### Reports

- Continue to:
  - o report on the annual activities of the Office of the Child and Youth Advocate including results achieved as well as expected accomplishments in the next fiscal year, and
  - o initiate a report to a reviewable service or a special report on a matter of concern if circumstances warrant during the fiscal year.





# With Gratitude

We thank the children and youth of Prince Edward Island for allowing us to serve them, and trusting us to bear witness to their lived experiences.

We appreciate with sincerity all citizens across the Island who have themselves advocated long and hard for this Office, while acting as advocates for children and youth directly.

We acknowledge that advocacy requires, at its very nature, community as a whole and the spirit of collaboration. In our first year of operation, we respectfully wish to express gratitude to the following parties who assisted in advancing our work for children and youth:

- Staff of Prince Edward Island Government and community organizations providing programs and services to children, youth and their families every day across the province.
- Legislative Assembly of Prince Edward Island and other Prince Edward Island independent statutory Offices for support and consultation.
- Creative Services, Communications and Public Affairs, PEI Government for graphic design services.
- Translation Services, Acadian and Francophone Affairs Secretariat, PEI Government for translation services.
- PEI Association for Newcomers to Canada for translation services.
- Colton Curtis Photography for being a warm and welcoming individual to host photo sessions for the members of the Child and Youth Advisory Committee, and for kindness to staff as well.
- Confederation Centre of the Arts for facilitating the opportunity for the Child and Youth Advisory Committee to have their own meeting time with Ambassador Rae.
- The Holman Grand for use of space for physically distanced meetings.
- The Carriage House at Beaconsfield Historic Home for going above and beyond community support, allowing the Child and Youth Advisory Committee to consider the Carriage House a 'second home' this year, with safe physical distancing and staff support of sanitization and meeting logistics.
- Child and youth advocacy offices across Canada: for guidance, resources, mentorship, consultation, and information sharing.
- Canadian Council of Child and Youth Advocates for permission to adapt the "Know Your Rights" booklet.
- UNICEF Canada for consent to produce PEI's version of the "Know Your Rights" booklet using UNICEF text, and use of poster graphic materials.









# CONVENTION ON THE RIGHTS OF THE CHILD

