

# What to Expect During the Office of the Child and Youth Advocate's Investigative Review

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

- Alberta's Child and Youth Advocate (the "Advocate") is an independent officer reporting directly to the Legislature of Alberta. The Advocate's authority is defined in the *Child and Youth Advocate Act (CYAA)*.
- The role of the Advocate is to advance the rights, interests and viewpoints of children receiving services under the *Child, Youth and Family Enhancement Act (CYFEA)*, the *Protection of Sexually Exploited Children Act (PSECA)*, or the youth justice system (these are defined as designated services under the *CYAA*).
- Under Section 9 of the *CYAA*, the Advocate has the mandate to review the circumstances of a young person who was seriously injured or passed away while receiving designated services or passed away within two years of receiving child intervention services.

## The investigative review process

We receive notifications of serious injuries/deaths from four sources: Children and Family Services, Justice, Office of the Chief Medical Examiner, and Vital Statistics.

An investigator is assigned to review each matter that meets the OCYA's mandate under the *CYAA*.

We request information from public bodies to help us understand the young person's circumstances.

Under the *CYAA*, we are entitled to unredacted information, including personal and health information, that is in the possession of a public body. Further, the Advocate has the same powers as a commissioner under the *Public Inquiries Act*.

Once we have reviewed the file information received, we interview individuals who knew or had involvement with the young person to better understand their circumstances and/or to clarify information.

After the information gathering is complete, an individual investigative review (IIR) report is drafted. It includes a high-level overview of the young person's circumstances and identifies relevant findings and themes related to systems involvement.

The IIR is non-identifying, and the intent of a review is not to find fault with specific individuals but to identify key issues and meaningful findings.

The IIR does not contain findings of legal responsibility or conclusions of law nor replace other processes that may occur, such as investigations or prosecutions under the *Criminal Code* of Canada.

Before publicly releasing IIRs, the systems identified in the review have an opportunity to provide feedback on the accuracy of the information outlined regarding their involvement.

Each IIR has an independent privacy review to ensure we have adequately protected the young person's privacy while at the same time reflecting the nature of the services they received.

Each publicly released IIR is available on the OCYA website: [ocya.alberta.ca/individual-investigative-reviews](https://ocya.alberta.ca/individual-investigative-reviews)

## What to expect during an investigative review interview

- We have established processes with public bodies regarding contacting their staff for interviews.
- We will contact your leadership to inform them that we would like to speak with you to help us understand the young person's circumstances.
- Once we receive confirmation that you are aware of the interview request, the investigator will contact you to explain what to expect and how to prepare, answer any questions you may have, and schedule an interview.
- You can have a person with you when you are being interviewed for emotional support. Your support person is expected to maintain confidentiality.
- The interview is structured to allow for free-flow conversation. We may ask clarifying questions or specifics to address gaps in file information.
- Prior to the interview, you will be given a formal interview request letter that provides information about the young person and our legislative authority to collect confidential information.
- Once the interview is complete, you can contact the investigator if you want to share more information or have questions.