

Child and Family Services Council for Quality Assurance (CFS CQA)

Legislation Reference

Child, Youth and Family Enhancement Act

Revised Statutes of Alberta 2000, Chapter C-12, Current as of January 1, 2014

Part 3.1

Council for Quality Assurance

Definitions

105.71 In this Part,

- (a) “action” means action as defined in the *Alberta Evidence Act*;
- (b) “Council” means the Council established under section 105.72(1);
- (c) “Department” means the department administered by the Minister;
- (d) “expert review panel” means an expert review panel appointed under section 105.75;
- (e) “serious injury”, in respect of a child, means
 - (i) a life-threatening injury to the child, or
 - (ii) an injury that may cause significant impairment of the child’s health.

Establishment of Council

105.72(1) The Minister may establish a Council for quality assurance purposes.

(2) The Minister may, with respect to the Council,

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chair, and
- (d) authorize or provide for the payment of remuneration and expenses of its members.

(3) In appointing members to the Council, the Minister must ensure the Council includes persons with knowledge and expertise in the provision of services to children.

(4) The Child and Youth Advocate is, by virtue of that office, a member of the Council.

(5) Subject to this Part, the Council may determine its own procedures.

Role of Council

105.73 The role of the Council is

- (a) to identify effective practices and make recommendations for the improvement of intervention services, at the direction of the Minister and in co-operation with the Department;
- (b) to appoint an expert review panel to review incidents giving rise to serious injuries or deaths of children as reported by a director under section 105.74.

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Director's duty

105.74 When a director becomes aware of an incident giving rise to a serious injury to or the death of a child who was in the custody or under the guardianship of the director at the time of the injury or death, the director must, as soon as practicable, report the incident to the Council.

Expert review panels

105.75(1) The Minister may

- (a) on the recommendation of the Council, establish a roster of experts to serve on an expert review panel appointed under this section, and
- (b) authorize or provide for the payment of remuneration and expenses for those experts who serve on an expert review panel.

(2) The Council may, in accordance with the regulations, appoint an expert review panel to review an incident giving rise to a serious injury to or the death of a child as reported by a director under section 105.74.

(3) The chair of the Council must designate one of the members of the expert review panel to act as chair of the panel, and while so acting, that member must perform all of the responsibilities and may exercise any of the powers of the chair of the Council with respect to that panel.

(4) Subject to this Part, an expert review panel may determine its own procedures.

Report of expert review panel

105.76(1) The chair of an expert review panel must make a written report of the panel's findings and recommendations and must submit the report to the Council.

(2) The findings of the expert review panel shall not contain findings of legal responsibility or any conclusion of law.

(3) On receiving a report from an expert review panel under subsection (1),

- (a) the Council
 - (i) must provide a copy of the report to
 - (A) the Minister,
 - (B) the Child and Youth Advocate, and
 - (C) the director who reported the incident that is the subject of the review, and
 - (ii) may provide a copy of the report
 - (A) in the case of a review of a serious injury, to the child if he or she is 16 years of age or older,
 - (B) to the parent of the child, and
 - (C) to the guardian of the child if the parent is not the guardian of the child at the time of the incident;

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- (b) the Council must
 - (i) prepare a publicly releasable version of the report from which the name of, and any other identifying information about, the child or a parent or guardian of the child is removed, and
 - (ii) provide a copy of the publicly releasable version of the report to the Minister.

(4) The Council must make the publicly releasable version of the report available to the public within 6 months after providing it to the Minister under subsection (3)(b)(ii), unless the Minister directs otherwise.

Right to information

105.77(1) An expert review panel is entitled to any information, including personal information and health information,

- (a) is in the custody or under the control of a public body or custodian, and
- (b) is necessary to enable the expert review panel to exercise the panel's powers or perform the panel's functions or duties under this Part.

(2) A public body or a custodian that is a public body shall, on request, disclose to the expert review panel the information to which the panel is entitled under subsection (1).

(3) A custodian that is not a public body may, on request, disclose to the expert review panel the information to which the panel is entitled under subsection (1).

(4) Nothing in this section compels the disclosure of any information or records that are subject to any type of privilege, including solicitor-client privilege and parliamentary privilege.

Members not compellable as witnesses

105.78 A member of the Council or of an expert review panel must not give or be compelled to give evidence in an action in respect of any matter coming to his or her knowledge in the exercise of powers and the performance of duties and functions under this Part, except in a prosecution for perjury.

Communications privileged

105.79 The following information, records and reports are privileged and not admissible in evidence in an action, except in a prosecution for perjury:

- (a) anything said, any information supplied or any record produced during a review under section 105.75(2);
- (b) any report referred to in section 105.76.

Protection of Council and others

105.791(1) Subject to subsection (2), no action lies or may be commenced or maintained against

- (a) the Council,
- (b) a member of the Council, or
- (c) a member of an expert review panel

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in respect of anything done or omitted to be done in the exercise or intended exercise of any power under this Part or in the performance or intended performance of any duty or function under this Part.

(2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted to be done by that person in bad faith.

Annual report

105.792(1) The Council must submit annual reports to the Minister on the exercise of the duties and functions of the Council.

(2) On receiving a report under subsection (1), the Minister must lay a copy of the report before the Legislative Assembly if it is then sitting, and if it is not sitting, within 15 days after the commencement of the next sitting.

ALBERTA REGULATION 54/2012

Child, Youth and Family Enhancement Act

EXPERT REVIEW PANEL REGULATION

Appointment of expert review panel

1 The Council may appoint an expert review panel to review a serious injury to or the death of a child unless

- (a) the Council is satisfied that
 - (i) the death was due solely to natural causes,
 - (ii) the death was due solely to a pre-existing medical condition or illness, or
 - (iii) the injury or death resulted from a disaster as defined in the *Emergency Management Act*,
- (b) the Council is satisfied that there was no meaningful connection between the injury or death and the nature or quality of care or supervision provided by a director, or
- (c) the Council is satisfied that that the public interest would not be served by appointing an expert review panel.

Expiry

2 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on April 30, 2017.

Coming into force

3 This Regulation comes into force on April 1, 2012.