IN THE MATTER OF:

Commission of Inquiry into the Circumstances Surrounding the Death of Phoenix Sinclair

## AFFIDAVIT OF REGAN SPENCER

## AFFIRMED THE 10<sup>TH</sup> DAY OF APRIL, 2012

**HEARING DATES: MAY 22 & 23, 2012** 

Vivian E. Rachlis 4<sup>th</sup> Floor – 650 Main Street WINNIPEG, Manitoba R3B 1E2

> Phone: 926-8132 Fax: 926-7007

IN THE MATTER OF:

Commission of Inquiry into the Circumstances surrounding the

Death of Phoenix Sinclair

**AFFIDAVIT OF REGAN SPENCER** 

I, REGAN SPENCER, of the City of Winnipeg, in the Province of Manitoba, Director of

Social Work, Health Sciences Centre,

MAKE OATH AND SAY THAT:

1. I am the Director of Social Work at the Health Sciences Centre, Winnipeg ("HSC"), and

as such have knowledge of the facts hereinafter deposed to by me, except where I

indicate that such matters are based on information and belief, in which case I believe

them to be true. Also I have carefully reviewed the relevant HSC medical charts that

touch on the matters in question in this matter.

2. I have a B.A. and Bachelor of Social Work (B.S.W.) from Ryerson University, and a

Master's of Social Work (M.S.W.) from the University of Manitoba. I also have a

certificate in Health Services Management. In my role as Director of Social Work at the

HSC, I am responsible for ensuring the development and maintenance of Social Work

Standards within the facility and ultimately for the Social Work services delivered at our

hospitals affiliated with HSC. In my role as HSC Director of Social Work, approximately

70 social workers employed at HSC report clinically to me.

3. The hospitals within the HSC complex include the General Centre, PsycHealth Centre,

Women's Hospital, and Children's Hospital. Professional social workers, sometimes

known as "medical social workers," are involved in virtually all clinical programs at

HSC. Medical social workers respond to crises and emergencies as well as personal and

social problems. Broadly speaking, medical social work can be broken down into three

main areas:

- Identification of safety or risk. Examples include child abuse or neglect, domestic violence, substance misuse or addiction, mental health.
- Social/psychological intervention. Examples include adjustment to new health status, family breakdown, isolation, relationship issues.
- Access to resources. Examples include counseling, housing, community health care, social services.
- 4. One of the programs delivered at HSC is the Women's Health program, delivered primarily at the Women's Hospital site. The Women's Health program at HSC provides inpatient and outpatient services for women in two core areas of obstetrics and gynecology.
- 5. In obstetrics, pre-natal care is provided at Women's Hospital in collaboration with WRHA Population and Public Health which functions in the community in designated community areas. Women's Hospital is also the site of a large number of deliveries. Approximately 5,400 births per year occur at Women's Hospital.
- 6. I have approximately 8 medical social work staff and one social work manager who provide service in the Women's Health program. Social workers working in Women's Health see approximately 40% of the women who deliver at the site. There is a high volume of psychosocial need within the population of women who use the pre-natal services at the hospital and who deliver their babies at the site.
- 7. For example, the Women's Health program offers an adolescent prenatal clinic which has a very large clientele. Under *The Child and Family Services Act*, hospitals are obliged to report any underage (unmarried) teenage pregnancy, and the birth of the baby in such circumstances, to a child and family service agency. Manitoba has a high teenage pregnancy rate, and so there is frequent contact with child and family service agencies around this issue and this client group.

- 8. Apart from this specific example, medical social workers employed in the Women's Health program at HSC are well aware of their professional duty to report, to the appropriate child and family services agency, any concerns that a child may be in need of protection. Social workers and other health care employees employed at HSC do refer with some degree of frequency to child and family service agencies. The caseloads of social workers employed at HSC, particularly those that work in the Women's Health program, have a high degree of involvement with child and family service agencies, either by way of new referrals or open files.
- 9. In a situation where a social worker on staff at HSC becomes aware that a child may be in need of protection, and contact is initiated with a child and family services agency, the HSC social worker becomes a Source of Referral or "SOR." Medical social workers are very aware that supporting the fulfillment of their duty to report a child in need of protection are legal protections offering them anonymity, personal privacy and protection from retaliation.
- 10. It is critically important that HSC patients feel safe in accessing health services. In particular, in Women's Health, we want all patients to know that accessing prenatal care improves outcomes for infants regardless of the mother's health status. Further, medical social workers working in Women's Health provide a key link to a patient accessing not only appropriate medical care, but also supports they may require in the community that will improve their health, and the health of their baby. The ability of a medical social worker to establish a trusting relationship with their client is a key ingredient in linking our patients to these internal and external services.
- 11. Further it is critically important, in order to ensure that appropriate cases are brought to the attention of the child protection system, that medical social workers working at our hospital continue to feel safe and protected in the fulfillment of their role as Sources of Referral.

- 12. I have been advised by WRHA Legal Counsel and do verily believe that three HSC social workers who work or worked within the HSC's Women's Health program, described in the motion herein as Potential Witnesses SOR#1, SOR#2 and SOR#4, are expected to be called as witnesses at the Phoenix Sinclair Inquiry. SOR#1, SOR#2 and SOR#4 were all Sources of Referral to the child protection system within the circumstances of this case. SOR#1 and SOR#2 are professional social workers that, although they no longer work at HSC, continue to work in the city of Winnipeg and provide services supporting children and families. SOR #4 is an experienced medical social worker who continues to provide needed service in the HSC's Child Health program. I am also informed by WRHA Legal Counsel and do verily believe that certain health records prepared by SOR#1, SOR#2 and SOR#4, or that refer to SOR#1, SOR#2 and SOR#4, have already been produced to the Inquiry pursuant to subpoena. The names of SOR#1, SOR#2 and SOR#4 have, for the purposes of certain interviews preparatory to the Inquiry, been redacted from the records.
- 13. Medical social workers are not mandated to provide child protection services per se. However as indicated previously, medical social workers working in the Women's Health program are faced with a unique and ongoing challenge of supporting patients by establishing trusting relationships with them; while at the same time being potential Sources of Referral should any child protection concerns come to the fore.
- 14. In my role as Director of Social Work at HSC, I am concerned that without redaction of the names of SOR#1, SOR#2 and SOR#4 or an order preventing the publication or broadcast of their names, faces or identities, this could potentially jeopardize the protection under *The Child and Family Services Act* accorded to Sources of Referral. This result could have direct consequences to the protection of children coming into contact with our facility.
- 15. I am also concerned that, arising out of their testimony in this proceeding, the publication in the media of the name, face or identity of SOR#1, SOR#2 and SOR#4 has the potential to destabilize the critical trust relationship between the HSC's medical social workers, or

indeed the relationships between any health care provider, and the patients at our hospital.

16. I make this affidavit bona fide.

**AFFIRMED** before me in the City of Winnipeg, in the Province of Manitoba, this  $10^{th}$  day of April, 2012.

A Northy Public in and for the Province of Manitoba

REGAN SPENCER