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Children's advocate off base

Comments on Phoenix inquiry show blurry mandate

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Phoenix Sinclair

It is very difficult to figure out exactly what was running through Children's Advocate Darlene MacDonald's mind when she suggested money being spent on a public inquiry into the Phoenix Sinclair tragedy is a waste.

To be clear, just about everyone within the child welfare system has probably thought at one time or another the millions of dollars expended on this judicial inquiry -- a whopping \$4.7 million in the current fiscal year alone -- would be better spent improving services to children. Thinking that is one thing; saying it out loud, especially when you're the province's top child welfare official, is a different matter altogether.

A former chief executive of Winnipeg Child and Family Services, MacDonald seems to have lost touch with the duties of the children's advocate. She does not represent the child and family services system, nor is it her job to advocate for social workers. Recent comments seem to demonstrate, however, there is some confusion about these points.

MacDonald told the Free Press last week not only is she concerned about the money being spent on the inquiry, but also about how critical the public and the media have been of the social workers who handled Phoenix's file. "It's almost like you're judge and jury right now as opposed to let(ting) the facts play out," MacDonald said. "Caregivers do end up, unfortunately, killing children, and it wasn't the social workers who did that."

MacDonald may be right, but that is surely not the point here. Phoenix, 5, who had been in and out of foster care most of her life, died in 2005 following repeated beatings and abuse after being returned to her biological mother. The child welfare system that ultimately had to take responsibility for returning the child to her mother took nine months to realize she was missing. Her mother and stepfather were eventually convicted of first-degree murder.

The story has continued getting sadder as various interested and affected parties have manipulated the inquiry process to try to generate some cover for misdeeds in the Phoenix case. First, public-sector unions representing social workers attempted to have the inquiry itself quashed because it was too broad in its mandate. That bid failed, only to see the unions press for a publication ban to shield the names of the social workers. Consideration of the motion for a publication ban has pushed opening testimony in this case from early July well into the fall.

In her comments about the excesses of this inquiry, MacDonald expressed no concerns about the actions of the unions in repeatedly delaying testimony. These are actions that, while legally permissible, have nonetheless contributed to the frequent delays and, one could surmise, the overall cost of the inquiry. Her failure to mention that would suggest she is once again losing sight of her duties in this matter.

MacDonald should understand the biggest threat to the child welfare system is not this inquiry, but rather the public's general disinterest in child

welfare. Social workers are correct when they complain their work is ignored or disparaged and the public only takes an interest when a horrible tragedy has taken place. That is exactly why this inquiry is needed; to shine a light on an issue that is too easily dismissed. In fact, it remains a mystery why social workers are not supporting the inquiry into Phoenix's death. Rather than an opportunity to use social workers as scapegoats, this inquiry will reveal how much social workers attempt to do with the scarce resources provided to them. This inquiry will reveal the suffocating caseloads, the trauma they suffer from watching parents abuse their children and the sadness that comes when they realize the number of those children who are sentenced to lives of abuse and dysfunction because that's the only life they know. Yes, it will also eventually reveal those who failed in the performance of their duties, or who allowed the pressures of the job to justify a lack of humanity. It is the burden public servants, especially those who make life-and-death decisions, frequently have to bear. Those are not reasons to obstruct this inquiry. And it certainly is not a good reason for the children's advocate to step outside her sworn duties in a shameful bid to protect social workers.

MacDonald should also know judicial inquiries justify their enormous costs by revealing facts not previously known. This has been the case in commissions of inquiry into wrongful convictions. MacDonald cited numerous other reviews and studies and their recommendations and concluded the system is, on the whole, much better. That may be, but there is surely more work to be done.

As a former executive in the very system the inquiry will scrutinize, MacDonald should have known it would appear to be a conflict of interest for her to take up the cause of the social workers. She told the Free Press her comments were personal. As children's advocate, MacDonald must know she has no right to personal, public comments; everything she says is a statement from her office.

If nothing else, MacDonald's comments demonstrate we have not yet learned all of the important lessons of the Phoenix Sinclair tragedy. Although there are many good social workers doing courageous work, there is still a high propensity for conflicts of interest, poor judgment and a lack of accountability.

MacDonald needs to remember she is not a union steward, a child welfare agency CEO or a lawyer. She is the last line of defence for vulnerable children. And with that acknowledgement, perhaps she could reconsider the value of an inquiry into Phoenix's death.

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